

State of Illinois 91st General Assembly Final Senate Journal

482

JOURNAL OF THE

[Mar. 16, 1999]

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

20TH LEGISLATIVE DAY

TUESDAY, MARCH 16, 1999

12:00 O'CLOCK NOON

The Senate met pursuant to adjournment.

Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.

Prayer by Pastor Jeff Blevens, Western Oaks Baptist Church, Springfield, Illinois.

Senator Sieben led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, March 9, 1999, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, March 10, 1999, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Myers moved that reading and approval of the Journal of Thursday, March 11, 1999 be postponed pending arrival of the printed Journal.

The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

The Fiscal Year 1998 Adult Education and Literacy Annual Report submitted by the State Board of Education.

A report to advise of available times to review the modification of the Two Year Plan for SDA 4 submitted by Service Delivery Area 4, Job Training Partnership Act, as required by Section 105 (a)(1)(B)(I) of the Job Training Partnership Act.

SENATE

483

The FY 2000 GAAP (Generally Accepted Accounting Principles) Report submitted by the Economic and Fiscal Commission pursuant to Public Act 90-0479.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 3 to Senate Bill 7
Senate Amendment No. 1 to Senate Bill 323
Senate Amendment No. 1 to Senate Bill 402
Senate Amendment No. 1 to Senate Bill 465
Senate Amendment No. 2 to Senate Bill 541
Senate Amendment No. 1 to Senate Bill 566
Senate Amendment No. 2 to Senate Bill 845
Senate Amendment No. 1 to Senate Bill 1129

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 4

WHEREAS, The multiple problems of truant, at-risk, out-of-school, disruptive, and delinquent youth are a growing concern of educators, service providers, and citizens of the State; and

WHEREAS, Truancy, dropping out, and delinquency can lead to more serious problems for these youths and their communities; and

WHEREAS, Cooperation and coordination between local law enforcement authorities, juvenile courts, and State and local governments and a coordination of the efforts of those agencies that have jurisdiction over or responsibility for truant, at-risk, out-of-school, disruptive, and delinquent youth provide the best chance for ensuring the educational and career success of that population; and

WHEREAS, Local communities need to significantly increase their ability to effectively supervise and educate this truant, at-risk, out-of-school, disruptive, and delinquent population and to assist such youth in developing appropriate behavior and achieving academic and career successes; and

WHEREAS, Research supports the concept that intervention and prevention programs have long-term benefits and are more cost-effective than detention or incarceration or social dependence; and

WHEREAS, There is a significant demand for bed space in detention facilities and a high rate of recidivism among juveniles; and

WHEREAS, A standards-based education system requires that all learners be provided with essential support and a range of learning opportunities to meet or exceed State learning goals; and

WHEREAS, Current services for these youth are fragmented,

unevenly distributed, and of varying quality; and

WHEREAS, A detailed study of systems that impact that population can provide complete information to guide the development and implementation of educational programs beneficial to such youth; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, That the Commission on Truant, At-Risk, Out-of-School, Disruptive, and Delinquent Youth (hereinafter referred to as the "Commission" or "Youth-At-Risk Commission") is created, consisting of 23 members as follows:

One representative of the Department of Public Aid, to be appointed by the Director of Public Aid;

One representative of the Department of Human Services, to be appointed by the Secretary of Human Services;

One representative of the Office of the Attorney General, to be appointed by the Attorney General;

One representative of the Illinois Juvenile Justice Commission, to be appointed by the Chairperson of the Illinois Juvenile Justice Commission;

One representative of the Illinois Human Resource Investment Council, to be appointed by the Co-chairpersons of the Illinois Human Resource Investment Council;

One representative of the Department of Children and Family Services, to be appointed by the Director of Children and Family Services;

One representative of the Department of Corrections, to be appointed by the Director of Corrections;

One representative of the State Board of Education, to be appointed by the Chairperson of the State Board of Education;

Two members of the Senate, one each to be appointed by the President and the Minority Leader of the Senate;

Two members of the House of Representatives, one each to be appointed by the Speaker and the Minority Leader of the House of Representatives;

One regional superintendent of schools, to be appointed by the President of the Illinois Association of Regional Superintendents of Schools;

Two teacher's union representatives, one each to be appointed by the Presidents of the Illinois Education Association and the Illinois Federation of Teachers;

One representative of the Illinois School Management Alliance, to be appointed by the Illinois School Management Alliance;

One representative of the public community college system, to be appointed by the Chairman of the Illinois Community College Board;

One representative of the Illinois Parent Teacher Association, to be appointed by the President of the Illinois Parent Teacher Association;

One representative of the Chicago Public Schools, to be appointed by the Chief Executive Officer of the Chicago Public Schools;

One representative of the Project Success Program, to be appointed by the Governor;

One member who shall be appointed by the Governor to serve as the Chairperson of the Commission; and

Two experts in the fields of truancy, at-risk youth, or alternative education, to be appointed by the Chairperson of the Commission; and be it further

RESOLVED, That the Youth-At-Risk Commission shall meet initially at the call of its Chairperson, provided that the Commission may not hold its first meeting or hearing until at least 11 members, including the Chairperson, have been appointed; and be it further

RESOLVED, That all members of the Commission shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties from funds appropriated for the expenses of joint legislative committees or commissions; and be it further

RESOLVED, That the Commission shall study the complicated issues surrounding truant, at-risk, out-of-school, disruptive, and delinquent youth, that study to take into account the following:

(1) The current extent of the need in Illinois for services for the social and academic needs of truant, at-risk, out-of-school, disruptive, and delinquent youth;

(2) The effectiveness of existing social and academic programs in Illinois that serve these youth populations, and the impact of existing programs on safety and the learning environment of elementary and secondary schools;

(3) Nationally recognized programs that have been successful in meeting the social and academic needs of these youth populations;

(4) The total cost of providing social and academic services through local schools and communities for these youth populations;

(5) The current level of funding provided to State and local entities serving these youth populations; and

(6) Recommended strategies for serving the social and academic needs of youth returning from the Department of Corrections or detained in youth detention facilities; and be it further

RESOLVED, That the Youth-At-Risk Commission shall file with the Governor and the General Assembly, on or before December 31, 2000, a written report of its findings, recommendations, and proposed legislation concerning truant, at-risk, out-of-school, disruptive, and delinquent youth; and that upon filing its report the Commission is dissolved.

Adopted by the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting **House Joint Resolution No. 4**, was referred to the Committee on Rules.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 323

A bill for AN ACT to amend the School Code by changing Section 7-1.

HOUSE BILL NO. 471

A bill for AN ACT to amend the Criminal Code of 1961 by adding Section 12-10.1.

HOUSE BILL NO. 831

A bill for AN ACT to amend the Nursing Home Care Act by changing Section 3-212.

HOUSE BILL NO. 895

A bill for AN ACT to amend the Intergovernmental Cooperation Act by changing Sections 3, 5, and 9.

HOUSE BILL NO. 1331

486

JOURNAL OF THE

[Mar. 16, 1999]

A bill for AN ACT concerning external appeal procedures concerning health care determinations, amending named Acts.

HOUSE BILL NO. 1476

A bill for AN ACT to amend the School Code by changing Section 19-1.

HOUSE BILL NO. 1713

A bill for AN ACT to amend the Illinois Public Aid Code by changing Section 5-2.

HOUSE BILL NO. 1964

A bill for AN ACT in relation to juries, amending certain named Acts.

HOUSE BILL NO. 2272

A bill for AN ACT to amend the Good Samaritan Act by adding Section 46.

HOUSE BILL NO. 2679

A bill for AN ACT to amend the Property Tax Code by changing Section 15-172.

Passed the House, March 11, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 323, 471, 831, 895, 1331, 1476, 1713, 1964, 2272 and 2679** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 442

A bill for AN ACT to amend the Illinois Plumbing License Law.

HOUSE BILL NO. 470

A bill for AN ACT to amend the School Code by changing Section 3-11.

HOUSE BILL NO. 476

A bill for AN ACT to amend the Illinois Public Aid Code by adding Section 5-23.

HOUSE BILL NO. 573

A bill for AN ACT to amend the Firearm Owners Identification Card Act by changing Section 3.1.

HOUSE BILL NO. 1294

A bill for AN ACT to amend the Clinical Social Work and Social Work Practice Act by adding Section 19.5.

HOUSE BILL NO. 1365

A bill for AN ACT to amend the Illinois Police Training Act by changing Section 6 and adding Section 6.1.

HOUSE BILL NO. 1823

A bill for AN ACT in relation to leave for employees who have sought relief under the Illinois Domestic Violence Act of 1986.

HOUSE BILL NO. 1833

A bill for AN ACT concerning preventive services.

HOUSE BILL NO. 2149

A bill for AN ACT to amend the Secretary of State Act by changing Section 5.

HOUSE BILL NO. 2256

A bill for AN ACT regarding pharmaceuticals.

Passed the House, March 11, 1999.

SENATE

487

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 442, 470, 476, 573, 1294,**

1365, 1823, 1833, 2149 and 2256 were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 520

A bill for AN ACT to amend the Motor Vehicle Franchise Act by changing Sections 4, 5, 6, 13, and 29, and adding Section 7.1.

HOUSE BILL NO. 1276

A bill for AN ACT to amend the Illinois Municipal Code by changing Sections 8-2-9 and 8-3-1.

HOUSE BILL NO. 1897

A bill for AN ACT creating the Illinois Value-Added Agricultural Enhancement Program.

HOUSE BILL NO. 2204

A bill for AN ACT concerning the regulation of financial institutions, amending a named Act.

HOUSE BILL NO. 2308

A bill for AN ACT to amend the Hospital District Law by changing Section 10.

Passed the House, March 11, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 520, 1276, 1897, 2204 and 2308** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4

A bill for AN ACT concerning tobacco product manufacturers.

HOUSE BILL NO. 22

A bill for AN ACT to amend the Criminal Code of 1961 by changing Sections 12-2 and 12-6.1.

HOUSE BILL NO. 62

A bill for AN ACT in relation to sex offenders.

HOUSE BILL NO. 89

A bill for AN ACT to amend the Illinois Horse Racing Act of 1975 by changing Section 3.08.

HOUSE BILL NO. 124

A bill for AN ACT to amend the School Code by changing Section 2-3.13a.

HOUSE BILL NO. 127

A bill for AN ACT to amend the Advisory Commission on Internet Privacy Act by changing Sections 15 and 90.

HOUSE BILL NO. 138

A bill for AN ACT to amend the Flag Display Act by changing

Sections 1 and 2 and by adding Section 2a.

488

JOURNAL OF THE

[Mar. 16, 1999]

HOUSE BILL NO. 153

A bill for AN ACT concerning cemeteries.

HOUSE BILL NO. 167

A bill for AN ACT concerning bonds, amending named Acts.

HOUSE BILL NO. 215

A bill for AN ACT to amend the Frauds Act by changing Section 2.

HOUSE BILL NO. 231

A bill for AN ACT to amend the Home Repair Fraud Act by changing Section 3.

HOUSE BILL NO. 238

A bill for AN ACT to amend the Code of Criminal Procedure of 1963 by changing Section 110-7.

HOUSE BILL NO. 248

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 24-1.2.

HOUSE BILL NO. 249

A bill for AN ACT to amend the Criminal Code of 1961 by adding Section 11-23.

HOUSE BILL NO. 295

A bill for AN ACT to amend the Criminal Code of 1961 by changing Sections 11-6 and 11-6.5 and adding Section 16D-5.5.

HOUSE BILL NO. 325

A bill for AN ACT relating to public university tuition statements.

HOUSE BILL NO. 376

A bill for AN ACT in relation to anhydrous ammonia.

HOUSE BILL NO. 377

A bill for AN ACT regarding representation of a child, amending named Acts.

HOUSE BILL NO. 466

A bill for AN ACT to amend the Juvenile Court Act of 1987 by changing Sections 1-7 and 1-8.

HOUSE BILL NO. 473

A bill for AN ACT to amend the Local Government Debt Reform Act by changing Section 12.

Passed the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 4, 22, 62, 89, 124, 127, 138, 153, 167, 215, 231, 238, 248, 249, 295, 325, 376, 377, 466 and 473** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 417

A bill for AN ACT concerning State budget stabilization.

HOUSE BILL NO. 710

A bill for AN ACT relating to education funding.

HOUSE BILL NO. 787

A bill for AN ACT to amend the Criminal Code of 1961 by adding Section 16D-5.5.

HOUSE BILL NO. 814

A bill for AN ACT to amend the Illinois Insurance Code by changing Section 370c.

HOUSE BILL NO. 1137

SENATE

489

A bill for AN ACT to amend the Election Code by changing Sections 28-6 and 28-9.

HOUSE BILL NO. 1207

A bill for AN ACT to amend the School Code by adding Section 21-27.

HOUSE BILL NO. 1516

A bill for AN ACT to amend the School Code by changing Section 1C-2.

HOUSE BILL NO. 1536

A bill for AN ACT to amend the School Code by adding Section 2-3.126.

HOUSE BILL NO. 1746

A bill for AN ACT to amend the State Finance Act by changing Section 6z-32.

HOUSE BILL NO. 2101

A bill for AN ACT to amend the Illinois Housing Development Act by adding Section 7.5a.

HOUSE BILL NO. 2104

A bill for AN ACT concerning property.

HOUSE BILL NO. 2217

A bill for AN ACT to amend the Illinois Public Aid Code by changing Section 9A-11.

HOUSE BILL NO. 2644

A bill for AN ACT concerning the regulation of professions, amending named Acts.

Passed the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 417, 710, 787, 814, 1137, 1207, 1516, 1536, 1746, 2101, 2104, 2217 and 2644** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 477

A bill for AN ACT to amend the Revised Uniform Limited

Partnership Act by changing Sections 402, 602, and 603.

HOUSE BILL NO. 478

A bill for AN ACT to amend the Revised Uniform Limited Partnership Act by changing Section 702.

HOUSE BILL NO. 521

A bill for AN ACT concerning property valuation.

HOUSE BILL NO. 524

A bill for AN ACT to amend the Civil Administrative Code of Illinois by adding Section 60p.

HOUSE BILL NO. 526

A bill for AN ACT to amend the Criminal Code of 1961 by changing Sections 14-1, 14-2, and 14-4.

HOUSE BILL NO. 553

A bill for AN ACT concerning nursing.

HOUSE BILL NO. 574

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 24-3.

HOUSE BILL NO. 578

A bill for AN ACT to amend the Property Tax Code by changing

490

JOURNAL OF THE

[Mar. 16, 1999]

Section 15-65.

HOUSE BILL NO. 613

A bill for AN ACT to amend the Public Utilities Act by changing Section 6-102.

HOUSE BILL NO. 678

A bill for AN ACT to amend the Board of Higher Education Act by changing Section 9.28.

HOUSE BILL NO. 727

A bill for AN ACT to amend the County Jail Act by changing Section 20.

HOUSE BILL NO. 792

A bill for AN ACT in relation to the transmission of drug information by the Internet.

HOUSE BILL NO. 793

A bill for AN ACT to amend the Criminal Code of 1961 by changing Sections 28-1, 28-1.1, 28-2, 28-3, 28-5, and 28-7.

HOUSE BILL NO. 795

A bill for AN ACT to amend the School Code by changing Section 10-22.24a and adding Section 10-22.24b.

HOUSE BILL NO. 812

A bill for AN ACT to amend the Illinois Insurance Code by changing Section 123B-4.

HOUSE BILL NO. 813

A bill for AN ACT to amend the Property Tax Code by changing Section 21-345.

HOUSE BILL NO. 832

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 11-6.

HOUSE BILL NO. 835

A bill for AN ACT to amend the Illinois Municipal Code by changing Section 3.1-40-50.

HOUSE BILL NO. 839

A bill for AN ACT to amend the Criminal Code of 1961 by adding

Section 17-23.

HOUSE BILL NO. 841

A bill for AN ACT to amend the Park District Code by changing Section 6-4.

Passed the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 477, 478, 521, 524, 526, 553, 574, 578, 613, 678, 727, 792, 793, 795, 812, 813, 832, 835, 839 and 841** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 851

A bill for AN ACT to amend the State Treasurer Act by adding Section 16.5.

HOUSE BILL NO. 852

A bill for AN ACT to amend the Code of Civil Procedure by changing Sections 5-105 and 5-105.5.

HOUSE BILL NO. 855

A bill for AN ACT to amend the Code of Civil Procedure by changing Section 2-604.

SENATE

491

HOUSE BILL NO. 873

A bill for AN ACT to amend the Illinois Controlled Substances Act by changing Section 407.1.

HOUSE BILL NO. 891

A bill for AN ACT concerning commemorative medallions.

HOUSE BILL NO. 912

A bill for AN ACT to amend the Voluntary Payroll Deductions Act of 1983 by changing Section 3.

HOUSE BILL NO. 914

A bill for AN ACT in relation to compulsive gambling.

HOUSE BILL NO. 923

A bill for AN ACT to amend the Illinois Public Aid Code by changing Section 5-5.

HOUSE BILL NO. 934

A bill for AN ACT regarding support, amending named Acts.

HOUSE BILL NO. 940

A bill for AN ACT to amend the Election Code by changing Sections 4-33, 5-43, and 6-79.

HOUSE BILL NO. 1097

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 11-6.

HOUSE BILL NO. 1098

A bill for AN ACT to amend the Sexually Violent Persons Commitment Act by changing Sections 15, 45, 55, 65, and 70.

HOUSE BILL NO. 1099

A bill for AN ACT to amend the Criminal Code of 1961 by adding Section 17-23.

HOUSE BILL NO. 1102

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 11-1301.3.

HOUSE BILL NO. 1110

A bill for AN ACT concerning cigarettes.

HOUSE BILL NO. 1146

A bill for AN ACT concerning the Illinois Community College Board, amending named Acts.

HOUSE BILL NO. 1151

A bill for AN ACT to amend the Park District Code by adding Section 8-8a.

HOUSE BILL NO. 1164

A bill for AN ACT in relation to probation officers.

HOUSE BILL NO. 1177

A bill for AN ACT to amend the Consumer Fraud and Deceptive Business Practices Act by changing Section 10a.

Passed the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 851, 852, 855, 873, 891, 912, 914, 923, 934, 940, 1097, 1098, 1099, 1102, 1110, 1146, 1151, 1164 and 1177** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1180

A bill for AN ACT in relation to solicitation by certain persons.

HOUSE BILL NO. 1195

492

JOURNAL OF THE

[Mar. 16, 1999]

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 24-1.2.

HOUSE BILL NO. 1197

A bill for AN ACT to amend the Juvenile Court Act of 1987 by changing Sections 5-130 and 5-805.

HOUSE BILL NO. 1198

A bill for AN ACT to amend the School Code by changing Section 10-20.14.

HOUSE BILL NO. 1199

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 12-4.2.

HOUSE BILL NO. 1201

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 24-3A.

HOUSE BILL NO. 1252

A bill for AN ACT to amend the Service Contract Act by changing Section 10.

HOUSE BILL NO. 1274

A bill for AN ACT to amend the Illinois Educational Facilities Authority Act.

HOUSE BILL NO. 1278

A bill for AN ACT in relation to cannabis and controlled substances.

HOUSE BILL NO. 1291

A bill for AN ACT to amend the School Code by changing Section 17-1.

HOUSE BILL NO. 1293

A bill for AN ACT to amend the School Code by amending Section 18-17.

HOUSE BILL NO. 1298

A bill for AN ACT to amend the Adoption Act by changing Section 1.

HOUSE BILL NO. 1305

A bill for AN ACT to amend the Criminal Code of 1961 by changing Sections 46-1, 46-1.1, 46-2, and 46-5 and adding Section 46-6.

HOUSE BILL NO. 1306

A bill for AN ACT concerning the Department of Human Services.

HOUSE BILL NO. 1307

A bill for AN ACT concerning the Department of Human Services.

HOUSE BILL NO. 1308

A bill for AN ACT to amend the Illinois Act on the Aging by changing Section 4.02.

HOUSE BILL NO. 1310

A bill for AN ACT to amend the Civil Administrative Code of Illinois by adding Section 60.4.

HOUSE BILL NO. 1317

A bill for AN ACT to amend the Property Tax Code by changing Section 18-250.

HOUSE BILL NO. 1321

A bill for AN ACT to amend the Criminal Code of 1961 by changing Sections 9-1, 12-4.2, and 24-1.2.

HOUSE BILL NO. 1324

A bill for AN ACT to amend the Illinois Income Tax Act by changing Section 703.

Passed the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 1180, 1195, 1197, 1198, 1199, 1201, 1252, 1274, 1278, 1291, 1293, 1298, 1305, 1306, 1307, 1308, 1310, 1317, 1321 and 1324** were taken up, ordered printed and placed

SENATE

493

on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in

the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1333

A bill for AN ACT to amend the Vocational Education Act by changing Section 2.1.

HOUSE BILL NO. 1353

A bill for AN ACT to amend the Public Community College Act by changing Section 3-11.

HOUSE BILL NO. 1355

A bill for AN ACT to amend the Illinois Insurance Code by changing Sections 107.15a and 107.29.

HOUSE BILL NO. 1366

A bill for AN ACT to amend the Illinois Municipal Code by changing Sections 11-135-2, 11-135-3, and 11-135-4.

HOUSE BILL NO. 1391

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 11-20.1.

HOUSE BILL NO. 1392

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 12-4.

HOUSE BILL NO. 1393

A bill for AN ACT concerning higher education, amending named Acts.

HOUSE BILL NO. 1402

A bill for AN ACT to amend the Unified Code of Corrections by changing Section 5-5-3.2.

HOUSE BILL NO. 1403

A bill for AN ACT to amend the Code of Civil Procedure by changing Section 2-1101.

HOUSE BILL NO. 1405

A bill for AN ACT to amend the Criminal Code of 1961 by adding Section 12-21.7.

HOUSE BILL NO. 1407

A bill for AN ACT to amend the Criminal Code of 1961 by changing Sections 24-1 and 24-3.3.

HOUSE BILL NO. 1416

A bill for AN ACT to amend the Illinois Savings and Loan Act of 1985 by changing Section 4-6.

HOUSE BILL NO. 1417

A bill for AN ACT concerning school community policing partnerships.

HOUSE BILL NO. 1432

A bill for AN ACT concerning arrest reports.

HOUSE BILL NO. 1435

A bill for AN ACT regarding child support.

HOUSE BILL NO. 1469

A bill for AN ACT to amend the State Employees Group Insurance Act of 1971 by changing Section 10.

HOUSE BILL NO. 1501

A bill for AN ACT to amend the School Code by adding Section 2-3.126.

HOUSE BILL NO. 1502

A bill for AN ACT to amend the School Code by changing Section 34-2.1.

HOUSE BILL NO. 1511

A bill for AN ACT to amend the Code of Criminal Procedure of 1963 by changing Section 110-6.3.

HOUSE BILL NO. 1514

A bill for AN ACT to amend the Criminal Code of 1961 by changing Sections 12-3.2 and 12-4.3.

HOUSE BILL NO. 1540

A bill for AN ACT to amend the Criminal Code of 1961 by changing Sections 12-14 and 12-16.

Passed the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 1333, 1353, 1355, 1366, 1391, 1392, 1393, 1402, 1403, 1405, 1407, 1416, 1417, 1432, 1435, 1469, 1501, 1502, 1511, 1514 and 1540** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1541

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 12-4.2.

HOUSE BILL NO. 1565

A bill for AN ACT to amend the Alcoholism and Other Drug Abuse and Dependency Act by changing Section 50-20.

HOUSE BILL NO. 1617

A bill for AN ACT to amend the Nursing Home Care Act by changing Section 3-119.

HOUSE BILL NO. 1645

A bill for AN ACT to amend the School Code by changing Section 10-11.

HOUSE BILL NO. 1657

A bill for AN ACT to amend the Higher Education Student Assistance Act by changing Section 40.

HOUSE BILL NO. 1673

A bill for AN ACT to amend the Unified Code of Corrections by changing Section 5-5-3.2.

HOUSE BILL NO. 1678

A bill for AN ACT concerning taxes.

HOUSE BILL NO. 1693

A bill for AN ACT to amend the Property Tax Code by changing Sections 14-20 and 16-75.

HOUSE BILL NO. 1694

A bill for AN ACT to amend the Property Tax Code by changing Sections 20-130 and 20-140.

HOUSE BILL NO. 1722

A bill for AN ACT to amend the Higher Education Student Assistance Act by changing Sections 65.15 and 65.40.

HOUSE BILL NO. 1739

A bill for AN ACT to amend the Illinois Highway Code by changing Section 5-701.7.

HOUSE BILL NO. 1759

A bill for AN ACT to amend the Criminal Code of 1961 by changing Sections 12-3.2 and 12-30.

HOUSE BILL NO. 1761

SENATE

495

A bill for AN ACT to amend the Criminal Code of 1961 by changing Sections 11-9 and 26-1.

HOUSE BILL NO. 1764

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 16-1.

HOUSE BILL NO. 1767

A bill for AN ACT to amend the Probate Act of 1975 by changing Section 11a-18.

HOUSE BILL NO. 1769

A bill for AN ACT to amend the Property Tax Code by changing Sections 21-385, 22-15, and 22-20.

HOUSE BILL NO. 1773

A bill for AN ACT to amend the Good Samaritan Act by changing Section 12.

HOUSE BILL NO. 1786

A bill for AN ACT to amend the Unified Code of Corrections by changing Section 5-5-3.2.

HOUSE BILL NO. 1790

A bill for AN ACT to amend the Election Code by changing Section 10-6.

HOUSE BILL NO. 1806

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 3-108.

Passed the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 1541, 1565, 1617, 1645, 1657, 1673, 1678, 1693, 1694, 1722, 1739, 1759, 1761, 1764, 1767, 1769, 1773, 1786, 1790 and 1806** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1813

A bill for AN ACT to amend the Unified Code of Corrections by changing Section 5-6-1.

HOUSE BILL NO. 1816

A bill for AN ACT to amend the Illinois School Student Records Act by changing Section 6.

HOUSE BILL NO. 1817

A bill for AN ACT to amend the Unified Code of Corrections by changing Section 5-5-3.2.

HOUSE BILL NO. 1824

A bill for AN ACT to amend the Illinois Farm Development Act.

HOUSE BILL NO. 1839

A bill for AN ACT to amend the Child Care Act of 1969 by changing Section 4.3.

HOUSE BILL NO. 1858

A bill for AN ACT to amend the Code of Civil Procedure by changing Section 8-1402.

HOUSE BILL NO. 1860

A bill for AN ACT to amend the Illinois Certified Shorthand Reporters Act of 1984 by changing Section 23 and adding Section 26.1.

HOUSE BILL NO. 1868

A bill for AN ACT to amend the Illinois Vehicle Code by changing

496

JOURNAL OF THE

[Mar. 16, 1999]

Section 3-100.

HOUSE BILL NO. 1871

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 6-106.1a.

HOUSE BILL NO. 1879

A bill for AN ACT to amend the Pharmacy Practice Act of 1987 by changing Section 16a.

HOUSE BILL NO. 1931

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 6-204.

HOUSE BILL NO. 1942

A bill for AN ACT to amend the Abused and Neglected Long Term Care Facility Residents Reporting Act by changing Section 6.2.

HOUSE BILL NO. 1960

A bill for AN ACT to amend the Downstate Forest Preserve District Act by changing Section 6.

HOUSE BILL NO. 1972

A bill for AN ACT concerning off-highway vehicles.

HOUSE BILL NO. 1978

A bill for AN ACT regarding property, amending named Acts.

HOUSE BILL NO. 1991

A bill for AN ACT to amend the Illinois Enterprise Zone Act by changing Section 5.3.

HOUSE BILL NO. 2005

A bill for AN ACT to amend the Illinois Municipal Code by changing Section 11-31-1.

HOUSE BILL NO. 2013

A bill for AN ACT to amend the School Code by changing Section 30-16.3.

HOUSE BILL NO. 2020

A bill for AN ACT to amend the School Code by changing Section 7-2b and repealing Section 2-3.105a.

HOUSE BILL NO. 2026

A bill for AN ACT to amend the Emergency Medical Services (EMS) Systems Act by changing Section 32.5.

Passed the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 1813, 1816, 1817, 1824, 1839, 1858, 1860, 1868, 1871, 1879, 1931, 1942, 1960, 1972, 1978, 1991, 2005, 2013, 2020 and 2026** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 2037

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 12-9.

HOUSE BILL NO. 2041

A bill for AN ACT to amend the Illinois Wage Payment and Collection Act by changing Section 9.

HOUSE BILL NO. 2042

A bill for AN ACT to amend the Code of Civil Procedure by changing Section 9-118.

SENATE

497

HOUSE BILL NO. 2047

A bill for AN ACT to amend the Public Funds Investment Act by changing Section 6.

HOUSE BILL NO. 2087

A bill for AN ACT to amend the Higher Education Student Assistance Act by changing Sections 10 and 35.

HOUSE BILL NO. 2091

A bill for AN ACT concerning higher education, amending named Acts.

HOUSE BILL NO. 2103

A bill for AN ACT in relation to certain notifications to public housing agencies.

HOUSE BILL NO. 2106

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 3-629.

HOUSE BILL NO. 2109

A bill for AN ACT to amend the Unified Code of Corrections by changing Section 5-5-3.

HOUSE BILL NO. 2166

A bill for AN ACT to amend the Comprehensive Health Insurance Plan Act by changing Section 8.

HOUSE BILL NO. 2169

A bill for AN ACT in relation to penal ordinances, amending named Acts.

HOUSE BILL NO. 2177

A bill for AN ACT to amend the Higher Education Cooperation Act by changing Section 5.

HOUSE BILL NO. 2196

A bill for AN ACT to amend the Alcoholism and Other Drug Abuse and Dependency Act by changing Section 10-15.

HOUSE BILL NO. 2206

A bill for AN ACT to amend the Illinois Public Aid Code by changing Sections 1-11 and 12-4.34.

HOUSE BILL NO. 2219

A bill for AN ACT to create the offense of aggravated domestic battery, amending named Acts.

HOUSE BILL NO. 2257

A bill for AN ACT to amend the Juvenile Court Act of 1987 by changing Section 5-615.

HOUSE BILL NO. 2264

A bill for AN ACT to amend the Private Sewage Disposal Licensing Act by changing Section 4.

HOUSE BILL NO. 2283

A bill for AN ACT providing for the State of Illinois to enter into an agreement with Missouri and Iowa to establish the Mid-America Port Commission.

HOUSE BILL NO. 2287

A bill for AN ACT to amend the Public Building Commission Act by changing Section 5.

HOUSE BILL NO. 2293

A bill for AN ACT to amend the Criminal Code of 1961 by changing Sections 12-2 and 12-4.

Passed the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 2037, 2041, 2042, 2047, 2087, 2091, 2103, 2106, 2109, 2166, 2169, 2177, 2196, 2206, 2219, 2257, 2264, 2283, 2287 and 2293** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 2298

A bill for AN ACT to amend the Counties Code by changing Section 5-12009.5.

HOUSE BILL NO. 2306

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 12-9.

HOUSE BILL NO. 2310

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 12-7.3.

HOUSE BILL NO. 2323

A bill for AN ACT to amend the Counties Code by changing Section 5-12009.

HOUSE BILL NO. 2330

A bill for AN ACT to amend the Counties Code by changing Section 5-25012.

HOUSE BILL NO. 2343

A bill for AN ACT to amend the Plat Act by changing Section 3.

HOUSE BILL NO. 2344

A bill for AN ACT to amend the Code of Criminal Procedure of 1963 by changing Section 115-10.2.

HOUSE BILL NO. 2345

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 16-1.

HOUSE BILL NO. 2346

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 24-1.1.

HOUSE BILL NO. 2349

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 33D-1.

HOUSE BILL NO. 2352

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 12-2 and adding Section 12-4.11.

HOUSE BILL NO. 2360

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 12-15.

HOUSE BILL NO. 2381

A bill for AN ACT to amend the Code of Criminal Procedure of 1963 by changing Section 112A-23.

HOUSE BILL NO. 2502

A bill for AN ACT to amend the Property Tax Code by changing Section 15-40.

HOUSE BILL NO. 2580

A bill for AN ACT concerning higher education, amending named Acts.

HOUSE BILL NO. 2589

A bill for AN ACT to amend the Illinois Public Aid Code by changing Section 9A-1.

HOUSE BILL NO. 2610

A bill for AN ACT to amend the Illinois Controlled Substances Act by changing Section 407.

HOUSE BILL NO. 2629

A bill for AN ACT to amend the Code of Criminal Procedure of 1963 by changing Section 112A-2.

HOUSE BILL NO. 2630

SENATE

499

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 4-105.1.

HOUSE BILL NO. 2636

A bill for AN ACT to amend the Public Water Supply Operations Act.

Passed the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 2298, 2306, 2310, 2323, 2330,**

2343, 2344, 2345, 2346, 2349, 2352, 2360, 2381, 2502, 2580, 2589, 2610, 2629, 2630 and 2636 were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 2641

A bill for AN ACT in relation to radiation safety, amending named Acts.

HOUSE BILL NO. 2642

A bill for AN ACT to amend the Illinois Nuclear Safety Preparedness Act by changing Sections 4 and 5.

HOUSE BILL NO. 2711

A bill for AN ACT in relation to sex offenses and sex offenders.

HOUSE BILL NO. 2722

A bill for AN ACT concerning risk-based capital regulation for health insurers, amending named Acts.

HOUSE BILL NO. 2724

A bill for AN ACT to amend the Public Construction Bond Act by changing Section 1.

HOUSE BILL NO. 2726

A bill for AN ACT to amend the Adoption Act by changing Sections 1, 9, 10, 11, 13, and 14 and by adding Section 13.1.

HOUSE BILL NO. 2727

A bill for AN ACT to amend the Adoption Act by adding Section 14b.

HOUSE BILL NO. 2730

A bill for AN ACT to amend the Board of Higher Education Act by adding Section 9.29.

HOUSE BILL NO. 2732

A bill for AN ACT to amend the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act by changing Section 3.09.

HOUSE BILL NO. 2741

A bill for AN ACT to amend the Illinois Municipal Code by changing Section 11-74.4-4.

HOUSE BILL NO. 2748

A bill for AN ACT to amend the Rights of Crime Victims and Witnesses Act by adding Section 8.5.

HOUSE BILL NO. 2753

A bill for AN ACT to amend the Illinois Public Aid Code by changing Section 5-5.

HOUSE BILL NO. 2758

A bill for AN ACT to amend the Public Radio and Television Grant Act by changing Sections 6 and 7 and adding Section 7.5.

HOUSE BILL NO. 2767

A bill for AN ACT to amend the Radiation Protection Act of 1990

by changing Section 11.

HOUSE BILL NO. 2772

A bill for AN ACT to amend the Toll Highway Act by changing Section 23.

HOUSE BILL NO. 2774

A bill for AN ACT relating to insurance companies.

HOUSE BILL NO. 2775

A bill for AN ACT in relation to the transfer of real property.

HOUSE BILL NO. 2776

A bill for AN ACT to amend the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

HOUSE BILL NO. 2784

A bill for AN ACT to amend the Grain Code by changing Sections 1-10, 1-15, 5-30, 10-10, 10-15, 10-25, 25-10, 25-20, and 30-5.

HOUSE BILL NO. 2791

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 11-9.

Passed the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 2641, 2642, 2711, 2722, 2724, 2726, 2727, 2730, 2732, 2741, 2748, 2753, 2758, 2767, 2772, 2774, 2775, 2776, 2784 and 2791** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 2792

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 11-313.

HOUSE BILL NO. 2814

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 11-6.

HOUSE BILL NO. 2826

A bill for AN ACT in relation to livestock, amending named Acts.

HOUSE BILL NO. 2842

A bill for AN ACT regarding hepatitis C screening and awareness.

HOUSE BILL NO. 2843

A bill for AN ACT to amend the Clerks of Courts Act by changing Sections 8, 13, and 16.

HOUSE BILL NO. 2844

A bill for AN ACT to amend the Code of Civil Procedure by changing Section 2-1011.

HOUSE BILL NO. 2855

A bill for AN ACT to amend the Unified Code of Corrections by changing Section 5-5-3.2.

Passed the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills numbered 2792, 2814, 2826, 2842, 2843,**

2844 and 2855 were taken up, ordered printed and placed on first reading.

SENATE

501

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 23

Concurred in by the House, March 12, 1999.

ANTHONY D. ROSSI, Clerk of the House

At the hour of 12:37 o'clock p.m., Senator Donahue presiding.

REPORT FROM STANDING COMMITTEE

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate Bills numbered 310, 778, 795, 824, 1020, 1022 and 1024** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate Bills numbered 436 and 1115** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Lauzen, **Senate Bill No. 43** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 43 on page 1, by replacing lines 10 through 12 with "Public Health shall make grants to public or private entities in Illinois, which may include the Robert H. Lurie Comprehensive Cancer Center at the Northwestern University Medical School and the Kellogg Cancer Care Center at Evanston/Glenbrook Hospitals, for the purpose of funding research that".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 51** having been

printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 51 by replacing the title with the following:

"AN ACT to amend the Property Tax Code by changing Section 21-260."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section

502

JOURNAL OF THE

[Mar. 16, 1999]

21-260 as follows:

(35 ILCS 200/21-260)

Sec. 21-260. Collector's scavenger sale. Upon the county collector's application under Section 21-145, to be known as the Scavenger Sale Application, the Court shall enter judgment for the general taxes, special taxes, special assessments, interest, penalties and costs as are included in the advertisement and appear to be due thereon after allowing an opportunity to object and a hearing upon the objections as provided in Section 21-175, and order those properties sold by the County Collector at public sale to the highest bidder for cash, notwithstanding the bid may be less than the full amount of taxes, special taxes, special assessments, interest, penalties and costs for which judgment has been entered.

(a) Conducting the sale - Bidding. All properties shall be offered for sale in consecutive order as they appear in the delinquent list. The minimum bid for any property shall be \$250 or one-half of the tax if the total liability is less than \$500. The successful bidder shall immediately pay the amount of minimum bid to the County Collector in cash, by certified or cashier's check, ~~or~~ by money order, or, if the successful bidder is a governmental unit, by a check issued by that governmental unit. If the bid exceeds the minimum bid, the successful bidder shall pay the balance of the bid to the county collector in cash, by certified or cashier's check, ~~or~~ by money order, or, if the successful bidder is a governmental unit, by a check issued by that governmental unit by the close of the next business day. If the minimum bid is not paid at the time of sale or if the balance is not paid by the close of the next business day, then the sale is void and the minimum bid, if paid, is forfeited to the county general fund. In that event, the property shall be reoffered for sale within 30 days of the last offering of property in regular order. The collector shall make available to the public a list of all properties to be included in any reoffering due to the voiding of the original sale. The collector is not required to serve or publish any other notice of the reoffering of those properties. In the event that any of the properties are not sold upon reoffering, or are sold for less than the amount of the original voided sale, the original bidder who failed to pay the bid amount shall remain liable for the unpaid balance of the bid in an action under Section 21-240. Liability shall not be reduced where the bidder upon reoffering also fails to pay the bid amount, and in that event both bidders shall remain liable for the unpaid balance of their respective bids. A sale

of properties under this Section shall not be final until confirmed by the court.

(b) Confirmation of sales. The county collector shall file his or her report of sale in the court within 30 days of the date of sale of each property. No notice of the county collector's application to confirm the sales shall be required except as prescribed by rule of the court. Upon confirmation, except in cases where the sale becomes void under Section 22-85, or in cases where the order of confirmation is vacated by the court, a sale under this Section shall extinguish the in rem lien of the general taxes, special taxes and special assessments for which judgment has been entered and a redemption shall not revive the lien. Confirmation of the sale shall in no event affect the owner's personal liability to pay the taxes, interest and penalties as provided in this Code or prevent institution of a proceeding under Section 21-440 to collect any amount that may remain due after the sale.

(c) Issuance of tax sale certificates. Upon confirmation of the sale the County Clerk and the County Collector shall issue to the purchaser a certificate of purchase in the form prescribed by Section 21-250 as near as may be. A certificate of purchase shall not be

SENATE

503

issued to any person who is ineligible to bid at the sale or to receive a certificate of purchase under Section 21-265.

(d) Scavenger Tax Judgment, Sale and Redemption Record - Sale of parcels not sold. The county collector shall prepare a Scavenger Tax Judgment, Sale and Redemption Record. The county clerk shall write or stamp on the scavenger tax judgment, sale, forfeiture and redemption record opposite the description of any property offered for sale and not sold, or not confirmed for any reason, the words "offered but not sold". The properties which are offered for sale under this Section and not sold or not confirmed shall be offered for sale annually thereafter in the manner provided in this Section until sold, except in the case of mineral rights, which after 10 consecutive years of being offered for sale under this Section and not sold or confirmed shall no longer be required to be offered for sale. At any time between annual sales the County Collector may advertise for sale any properties subject to sale under judgments for sale previously entered under this Section and not executed for any reason. The advertisement and sale shall be regulated by the provisions of this Code as far as applicable.

(e) Proceeding to tax deed. The owner of the certificate of purchase shall give notice as required by Sections 22-5 through 22-30, and may extend the period of redemption as provided by Section 21-385. At any time within 5 months prior to expiration of the period of redemption from a sale under this Code, the owner of a certificate of purchase may file a petition and may obtain a tax deed under Sections 22-30 through 22-55. All proceedings for the issuance of a tax deed and all tax deeds for properties sold under this Section shall be subject to Sections 22-30 through 22-55. Deeds issued under this Section are subject to Section 22-70. This Section shall be liberally construed so that the deeds provided for in this Section convey merchantable title.

(f) Redemptions from scavenger sales. Redemptions may be made

from sales under this Section in the same manner and upon the same terms and conditions as redemptions from sales made under the County Collector's annual application for judgment and order of sale, except that in lieu of penalty the person redeeming shall pay interest as follows if the sale occurs before September 9, 1993:

- (1) If redeemed within the first 2 months from the date of the sale, 3% per month or portion thereof upon the amount for which the property was sold;
- (2) If redeemed between 2 and 6 months from the date of the sale, 12% of the amount for which the property was sold;
- (3) If redeemed between 6 and 12 months from the date of the sale, 24% of the amount for which the property was sold;
- (4) If redeemed between 12 and 18 months from the date of the sale, 36% of the amount for which the property was sold;
- (5) If redeemed between 18 and 24 months from the date of the sale, 48% of the amount for which the property was sold;
- (6) If redeemed after 24 months from the date of sale, the 48% herein provided together with interest at 6% per year thereafter.

If the sale occurs on or after September 9, 1993, the person redeeming shall pay interest on that part of the amount for which the property was sold equal to or less than the full amount of delinquent taxes, special assessments, penalties, interest, and costs, included in the judgment and order of sale as follows:

- (1) If redeemed within the first 2 months from the date of the sale, 3% per month upon the amount of taxes, special assessments, penalties, interest, and costs due for each of the first 2 months, or fraction thereof.
- (2) If redeemed at any time between 2 and 6 months from the

date of the sale, 12% of the amount of taxes, special assessments, penalties, interest, and costs due.

(3) If redeemed at any time between 6 and 12 months from the date of the sale, 24% of the amount of taxes, special assessments, penalties, interest, and costs due.

(4) If redeemed at any time between 12 and 18 months from the date of the sale, 36% of the amount of taxes, special assessments, penalties, interest, and costs due.

(5) If redeemed at any time between 18 and 24 months from the date of the sale, 48% of the amount of taxes, special assessments, penalties, interest, and costs due.

(6) If redeemed after 24 months from the date of sale, the 48% provided for the 24 months together with interest at 6% per annum thereafter on the amount of taxes, special assessments, penalties, interest, and costs due.

The person redeeming shall not be required to pay any interest on any part of the amount for which the property was sold that exceeds the full amount of delinquent taxes, special assessments, penalties, interest, and costs included in the judgment and order of sale.

Notwithstanding any other provision of this Section, except for owner-occupied single family residential units which are condominium units, cooperative units or dwellings, the amount required to be paid for redemption shall also include an amount equal to all delinquent

taxes on the property which taxes were delinquent at the time of sale. The delinquent taxes shall be apportioned by the county collector among the taxing districts in which the property is situated in accordance with law. In the event that all moneys received from any sale held under this Section exceed an amount equal to all delinquent taxes on the property sold, which taxes were delinquent at the time of sale, together with all publication and other costs associated with the sale, then, upon redemption, the County Collector and the County Clerk shall apply the excess amount to the cost of redemption.

(g) Bidding by county or other taxing districts. Any taxing district may bid at a scavenger sale. The county board of the county in which properties offered for sale under this Section are located may bid as trustee for all taxing districts having an interest in the taxes for the nonpayment of which the parcels are offered. The County shall apply on the bid the unpaid taxes due upon the property and no cash need be paid. The County or other taxing district acquiring a tax sale certificate shall take all steps necessary to acquire title to the property and may manage and operate the property so acquired.

When a county, or other taxing district within the county, is a petitioner for a tax deed, no filing fee shall be required on the petition. The county as a tax creditor and as trustee for other tax creditors, or other taxing district within the county shall not be required to allege and prove that all taxes and special assessments which become due and payable after the sale to the county have been paid. The county shall not be required to pay the subsequently accruing taxes or special assessments at any time. Upon the written request of the county board or its designee, the county collector shall not offer the property for sale at any tax sale subsequent to the sale of the property to the county under this Section. The lien of taxes and special assessments which become due and payable after a sale to a county shall merge in the fee title of the county, or other taxing district, on the issuance of a deed. The County may sell the properties so acquired, or the certificate of purchase thereto, and the proceeds of the sale shall be distributed to the taxing districts in proportion to their respective interests therein. The presiding officer of the county board, with the advice and consent of the County Board, may appoint some officer or person to attend scavenger

sales and bid on its behalf.

(h) Miscellaneous provisions. In the event that the tract of land or lot sold at any such sale is not redeemed within the time permitted by law and a tax deed is issued, all moneys that may be received from the sale of properties in excess of the delinquent taxes, together with all publication and other costs associated with the sale, shall, upon petition of any interested party to the court that issued the tax deed, be distributed by the County Collector pursuant to order of the court among the persons having legal or equitable interests in the property according to the fair value of their interests in the tract or lot. Section 21-415 does not apply to properties sold under this Section. Appeals may be taken from the orders and judgments entered under this Section as in other civil cases. The remedy herein provided is in addition to other remedies

for the collection of delinquent taxes.
(Source: P.A. 90-514, eff. 8-22-97; 90-655, eff. 7-30-98.)".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Welch, **Senate Bill No. 233** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **Senate Bill No. 276** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 276 as follows:
by replacing the title with the following:

"AN ACT to amend the Illinois Vehicle Code by changing Sections 6-109 and 6-508."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 6-109 and 6-508 as follows:

(625 ILCS 5/6-109) (from Ch. 95 1/2, par. 6-109)

Sec. 6-109. Examination of Applicants.

(a) The Secretary of State shall examine every applicant for a driver's license or permit who has not been previously licensed as a driver under the laws of this State or any other state or country, or any applicant for renewal of such driver's license or permit when such license or permit has been expired for more than one year. The Secretary of State shall, subject to the provisions of paragraph (c), examine every licensed driver at least every 8 years, and may examine or re-examine any other applicant or licensed driver, provided that during the years 1984 through 1991 those drivers issued a license for 3 years may be re-examined not less than every 7 years or more than every 10 years.

The Secretary of State shall require the testing of the eyesight of any driver's license or permit applicant who has not been previously licensed as a driver under the laws of this State and shall promulgate rules and regulations to provide for the orderly administration of all the provisions of this Section.

(b) Except as provided for those applicants in paragraph (c), such examination shall include a test of the applicant's eyesight, his ability to read and understand official traffic control devices, his knowledge of safe driving practices and the traffic laws of this State, and may include an actual demonstration of the applicant's

ability to exercise ordinary and reasonable control of the operation of a motor vehicle, and such further physical and mental examination as the Secretary of State finds necessary to determine the applicant's fitness to operate a motor vehicle safely on the highways, except the examination of an applicant 75 years of age or

older shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle. All portions of written and verbal examinations under this Section, excepting where the English language appears on facsimiles of road signs, may be given in the Spanish language and, at the discretion of the Secretary of State, in any other language as well as in English upon request of the examinee. Deaf persons who are otherwise qualified are not prohibited from being issued a license, other than a commercial driver's license, under this Code.

(c) Re-examination for those applicants who at the time of renewing their driver's license possess a driving record devoid of any convictions of traffic violations or evidence of committing an offense for which mandatory revocation would be required upon conviction pursuant to Section 6-205 at the time of renewal shall be in a manner prescribed by the Secretary in order to determine an applicant's ability to safely operate a motor vehicle, except that every applicant for the renewal of a driver's license who is 75 years of age or older must prove, by an actual demonstration, the applicant's ability to exercise reasonable care in the safe operation of a motor vehicle.

(d) In the event the applicant is not ineligible under the provisions of Section 6-103 to receive a driver's license, the Secretary of State shall make provision for giving an examination, either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant, within not more than 30 days from the date said application is received.

(Source: P.A. 89-569, eff. 1-1-97.)

(625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

Sec. 6-508. Commercial Driver's License (CDL) - qualification standards.

(a) Testing.

(1) General. No person shall be issued an original or renewal CDL unless that person is domiciled in this State. The Secretary shall cause to be administered such tests as the Secretary deems necessary to meet the requirements of 49 C.F.R. Part 383, subparts G and H.

(2) Third party testing. The Secretary of state may authorize a "third party tester", pursuant to 49 C.F.R. Part 383.75, to administer the skills test or tests specified by Federal Highway Administration pursuant to the Commercial Motor Vehicle Safety Act of 1986 and any appropriate federal rule.

(b) Waiver of Skills Test. The Secretary of State may waive the skills test specified in this Section for a commercial driver license applicant who meets the requirements of 49 C.F.R. Part 383.77.

(c) Limitations on issuance of a CDL. A CDL, or a commercial driver instruction permit, shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or unless otherwise permitted by this Code, while the person's driver's license is suspended, revoked or cancelled in any state, or any territory or province of Canada; nor may a CDL be issued to a person who has a CDL issued by any other state, or foreign jurisdiction, unless the person first surrenders all such licenses. A CDL shall not be issued to a person who does not meet the requirements of 49 CFR 391.41 (b)(11), except for the renewal of a CDL for a person who possesses a CDL prior to the effective date of this amendatory Act of 1999.

(d) Commercial driver instruction permit. A commercial driver instruction permit may be issued to any person holding a valid Illinois driver's license if such person successfully passes such tests as the Secretary determines to be necessary. A commercial driver instruction permit shall not be issued to a person who does not meet the requirements of 49 CFR 391.41 (b)(11), except for the renewal of a commercial driver instruction permit for a person who possesses a commercial instruction permit prior to the effective date of this amendatory Act of 1999.

(Source: P.A. 86-845.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Maitland, **Senate Bill No. 324** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hawkinson, **Senate Bill No. 331** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 331 on page 3, by replacing lines 5 and 6 with the following:

"(h) The collection and distribution of funds under this Act promotes equal justice, is in"; and
on page 3, line 9, by deleting "fees and other"; and
on page 16, by deleting lines 23 through 32; and
by deleting pages 17 through 23; and
on page 24, by deleting lines 1 through 19.

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 360** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Operations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 360 on page 1, by replacing line 11 with "return a report from the Comptroller containing the following information:"; and
on page 1, by deleting lines 26 and 27.

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a

third reading.

On motion of Senator Philip, **Senate Bill No. 400** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

508

JOURNAL OF THE

[Mar. 16, 1999]

AMENDMENT NO. 1. Amend Senate Bill 400, on page 1, lines 2 and 6, by changing "Section 5-715" wherever it appears to "Sections 5-615, 5-710, and 5-715"; and on page 1, by inserting between lines 6 and 7 the following:

"(705 ILCS 405/5-615)

Sec. 5-615. Continuance under supervision.

(1) The court may enter an order of continuance under supervision for an offense other than first degree murder, a Class X felony or a forcible felony (a) upon an admission or stipulation by the appropriate respondent or minor respondent of the facts supporting the petition and before proceeding to adjudication, or after hearing the evidence at the trial, and (b) in the absence of objection made in open court by the minor, his or her parent, guardian, or legal custodian, the minor's attorney or the State's Attorney.

(2) If the minor, his or her parent, guardian, or legal custodian, the minor's attorney or State's Attorney objects in open court to any continuance and insists upon proceeding to findings and adjudication, the court shall so proceed.

(3) Nothing in this Section limits the power of the court to order a continuance of the hearing for the production of additional evidence or for any other proper reason.

(4) When a hearing where a minor is alleged to be a delinquent is continued pursuant to this Section, the period of continuance under supervision may not exceed 24 months. The court may terminate a continuance under supervision at any time if warranted by the conduct of the minor and the ends of justice.

(5) When a hearing where a minor is alleged to be delinquent is continued pursuant to this Section, the court may, as conditions of the continuance under supervision, require the minor to do any of the following:

(a) not violate any criminal statute of any jurisdiction;

(b) make a report to and appear in person before any person or agency as directed by the court;

(c) work or pursue a course of study or vocational training;

(d) undergo medical or psychotherapeutic treatment rendered by a therapist licensed under the provisions of the Medical Practice Act of 1987, the Clinical Psychologist Licensing Act, or the Clinical Social Work and Social Work Practice Act, or an entity licensed by the Department of Human Services as a successor to the Department of Alcoholism and Substance Abuse, for the provision of drug addiction and alcoholism treatment;

(e) attend or reside in a facility established for the

instruction or residence of persons on probation;

- (f) support his or her dependents, if any;
- (g) pay costs;
- (h) refrain from possessing a firearm or other dangerous weapon, or an automobile;
- (i) permit the probation officer to visit him or her at his or her home or elsewhere;
- (j) reside with his or her parents or in a foster home;
- (k) attend school;
- (l) attend a non-residential program for youth;
- (m) contribute to his or her own support at home or in a foster home;
- (n) perform some reasonable public or community service;
- (o) make restitution to the victim, in the same manner and under the same conditions as provided in subsection (4) of Section 5-710, except that the "sentencing hearing" referred to in that Section shall be the adjudicatory hearing for purposes of

SENATE

509

this Section;

(p) comply with curfew requirements as designated by the court;

(q) refrain from entering into a designated geographic area except upon terms as the court finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the minor, and advance approval by a probation officer;

(r) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(r-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;

(s) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or

(t) comply with any other conditions as may be ordered by the court.

(6) A minor whose case is continued under supervision under subsection (5) shall be given a certificate setting forth the conditions imposed by the court. Those conditions may be reduced, enlarged, or modified by the court on motion of the probation officer or on its own motion, or that of the State's Attorney, or, at the request of the minor after notice and hearing.

(7) If a petition is filed charging a violation of a condition of the continuance under supervision, the court shall conduct a hearing. If the court finds that a condition of supervision has not been fulfilled, the court may proceed to findings and adjudication and disposition. The filing of a petition for violation of a condition of the continuance under supervision shall toll the period of continuance under supervision until the final determination of the

charge, and the term of the continuance under supervision shall not run until the hearing and disposition of the petition for violation; provided where the petition alleges conduct that does not constitute a criminal offense, the hearing must be held within 30 days of the filing of the petition unless a delay shall continue the tolling of the period of continuance under supervision for the period of the delay.

(8) When a hearing in which a minor is alleged to be a delinquent for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 is continued under this Section, the court shall, as a condition of the continuance under supervision, require the minor to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the alleged violation or similar damage to property located in the municipality or county in which the alleged violation occurred. The condition may be in addition to any other condition.

(9) When a hearing in which a minor is alleged to be a delinquent is continued under this Section, the court, before continuing the case, shall make a finding whether the offense alleged to have been committed either: (i) was related to or in furtherance of the activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (ii) is a violation of paragraph (13) of subsection (a) of Section 12-2 of the Criminal Code of 1961, a violation of any Section of Article 24

of the Criminal Code of 1961, or a violation of any statute that involved the unlawful use of a firearm. If the court determines the question in the affirmative the court shall, as a condition of the continuance under supervision and as part of or in addition to any other condition of the supervision, require the minor to perform community service for not less than 30 hours nor more than 120 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by an alleged violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the alleged violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(10) The court shall impose upon a minor placed on supervision, as a condition of the supervision, a fee of \$25 for each month of supervision ordered by the court, unless after determining the inability of the minor placed on supervision to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by the probation and court services department. A court may order the parent, guardian, or legal

custodian of the minor to pay some or all of the fee on the minor's behalf.

(Source: P.A. 90-590, eff. 1-1-99.)

(705 ILCS 405/5-710)

Sec. 5-710. Kinds of sentencing orders.

(1) The following kinds of sentencing orders may be made in respect of wards of the court:

(a) Except as provided in Sections 5-805, 5-810, 5-815, a minor who is found guilty under Section 5-620 may be:

(i) put on probation or conditional discharge and released to his or her parents, guardian or legal custodian, provided, however, that any such minor who is not committed to the Department of Corrections, Juvenile Division under this subsection and who is found to be a delinquent for an offense which is first degree murder, a Class X felony, or a forcible felony shall be placed on probation;

(ii) placed in accordance with Section 5-740, with or without also being put on probation or conditional discharge;

(iii) required to undergo a substance abuse assessment conducted by a licensed provider and participate in the indicated clinical level of care;

(iv) placed in the guardianship of the Department of Children and Family Services, but only if the delinquent minor is under 13 years of age;

(v) placed in detention for a period not to exceed 30 days, either as the exclusive order of disposition or, where appropriate, in conjunction with any other order of disposition issued under this paragraph, provided that any such detention shall be in a juvenile detention home and the minor so detained shall be 10 years of age or older. However, the 30-day limitation may be extended by further order of the court for a minor under age 13 committed to the Department of Children and Family Services if the court finds that the minor is a danger to himself or others. The

minor shall be given credit on the sentencing order of detention for time spent in detention under Sections 5-501, 5-601, 5-710, or 5-720 of this Article as a result of the offense for which the sentencing order was imposed. The court may grant credit on a sentencing order of detention entered under a violation of probation or violation of conditional discharge under Section 5-720 of this Article for time spent in detention before the filing of the petition alleging the violation. A minor shall not be deprived of credit for time spent in detention before the filing of a violation of probation or conditional discharge alleging the same or related act or acts;

(vi) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Mature Minors Act;

(vii) subject to having his or her driver's license or driving privileges suspended for such time as determined by

the court but only until he or she attains 18 years of age;
~~or~~

(viii) put on probation or conditional discharge and placed in detention under Section 3-6039 of the Counties Code for a period not to exceed the period of incarceration permitted by law for adults found guilty of the same offense or offenses for which the minor was adjudicated delinquent, and in any event no longer than upon attainment of age 21; this subdivision (viii) notwithstanding any contrary provision of the law; or -

(ix) ordered to undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body.

(b) A minor found to be guilty may be committed to the Department of Corrections, Juvenile Division, under Section 5-750 if the minor is 13 years of age or older, provided that the commitment to the Department of Corrections, Juvenile Division, shall be made only if a term of incarceration is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent. The time during which a minor is in custody before being released upon the request of a parent, guardian or legal custodian shall be considered as time spent in detention.

(c) When a minor is found to be guilty for an offense which is a violation of the Illinois Controlled Substances Act or the Cannabis Control Act and made a ward of the court, the court may enter a disposition order requiring the minor to undergo assessment, counseling or treatment in a substance abuse program approved by the Department of Human Services.

(2) Any sentencing order other than commitment to the Department of Corrections, Juvenile Division, may provide for protective supervision under Section 5-725 and may include an order of protection under Section 5-730.

(3) Unless the sentencing order expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 5-750.

(4) In addition to any other sentence, the court may order any minor found to be delinquent to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentencing hearing" referred to in that Section shall be the sentencing hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may be ordered by the court to pay some or all

of the restitution on the minor's behalf, pursuant to the Parental Responsibility Law. The State's Attorney is authorized to act on behalf of any victim in seeking restitution in proceedings under this Section, up to the maximum amount allowed in Section 5 of the Parental Responsibility Law.

(5) Any sentencing order where the minor is committed or placed in accordance with Section 5-740 shall provide for the parents or guardian of the estate of the minor to pay to the legal custodian or

guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. The payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the sentencing order requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) In no event shall a guilty minor be committed to the Department of Corrections, Juvenile Division for a period of time in excess of that period for which an adult could be committed for the same act.

(8) A minor found to be guilty for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 shall be ordered to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the violation or similar damage to property located in the municipality or county in which the violation occurred. The order may be in addition to any other order authorized by this Section.

(9) In addition to any other sentencing order, the court shall order any minor found to be guilty for an act which would constitute, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse if committed by an adult to undergo medical testing to determine whether the defendant has any sexually transmissible disease including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agency of acquired immunodeficiency syndrome (AIDS). Any medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the minor's person. Except as otherwise provided by law, the results of the test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the sentencing order was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom the results of the testing may be revealed. The court shall notify the minor of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or the legal guardian, of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at the Department of Public Health facilities to all parties to whom the results of the testing are revealed. The court shall order that the cost of any test shall be paid by the county and may be taxed as costs against the minor.

(10) When a court finds a minor to be guilty the court shall,

before entering a sentencing order under this Section, make a finding whether the offense committed either: (a) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (b) involved a violation of subsection (a) of Section 12-7.1 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the wrongful use of a firearm. If the court determines the question in the affirmative, and the court does not commit the minor to the Department of Corrections, Juvenile Division, the court shall order the minor to perform community service for not less than 30 hours nor more than 120 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. This order shall be in addition to any other order authorized by this Section except for an order to place the minor in the custody of the Department of Corrections, Juvenile Division. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act. (Source: P.A. 90-590, eff. 1-1-99.)".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Maitland, **Senate Bill No. 411** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 517** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 564** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rea, **Senate Bill No. 567** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, **Senate Bill No. 624** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator L. Walsh, **Senate Bill No. 650** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Operations, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 650 as follows:
by replacing the title with the following:

"AN ACT to create the Illinois Natural Resources Congress."; and
on page 1, line 5, by replacing "Conservation" with "Natural

514

JOURNAL OF THE

[Mar. 16, 1999]

Resources"; and

on page 1, line 6, by replacing "Conservation" with "Natural Resources"; and

on page 1, by replacing lines 7 and 8 with "the Illinois Natural Resources Congress."; and

on page 1, by replacing lines 11 through 15 with the following:

"appointed officials to protect, conserve, and appropriately use the natural resources of the State to ensure that opportunities are available for the enjoyment of natural resources to enhance quality of life for all Illinois citizens and future generations. The Illinois Natural Resources Congress shall recommend to the Natural Resources Council long-range goals, strategies, and programs that would balance the protection and use of the natural resources of Illinois while protecting private property rights and ensuring a sustainable, economically viable agriculture and business climate."; and

on page 1, by replacing lines 16 through 27 with the following:

"Section 15. Duties. The Illinois Natural Resources Congress shall, from time to time, make recommendations to a Natural Resources Council.

The Illinois Natural Resources Congress shall be composed of representatives of organizations in Illinois, including but not limited to not-for-profit entities, businesses, or other entities, whose goals and actions are to provide consistency, clarity, and coherence to present and future policies, programs, and strategies affecting Illinois' water and land resources. Members of the Congress shall serve without compensation or reimbursed expenses. The Congress shall establish operating by-laws that ensure each member has a voting right on the by-laws and on any recommendation that is forwarded by the Congress to the Natural Resources Council. It shall take a two-thirds vote of the members of the Congress to approve the by-laws and recommendations to the Council. A copy of the by-laws shall be filed with the Council. Recommendations submitted to the Council shall detail the goal and impact of those recommendations on recreation, natural resources, the State's economy, agriculture and business, and property rights."; and

on page 1, by replacing line 28 with the following:

"Section 20. Natural Resources Council. There is created a Natural Resources Council consisting of the Director or Secretary, as appropriate, of each of the following State agencies: the Department of Agriculture; the Department of Commerce and Community Affairs; the Department of Natural Resources; the Department of Transportation; the Illinois Environmental Protection Agency; the Department of Public Health; and the Illinois Historic Preservation Agency.

The Council shall meet as necessary to receive and evaluate recommendations from the Congress and take appropriate action. Members of the Council may provide in-kind services to the

Congress."; and
on page 2, by deleting lines 1 and 2.

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Dudycz, **Senate Bill No. 732** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 752** having been printed, was taken up, read by title a second time and ordered to a third reading.

SENATE

515

On motion of Senator Cronin, **Senate Bill No. 756** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 756 by replacing the title with the following:

"AN ACT concerning schools, amending named Acts."; and
by replacing everything after the enacting clause with the following:
"Section 5. The School Code is amended by changing Section 10-27.1A as follows:

(105 ILCS 5/10-27.1A)

Sec. 10-27.1A. ~~Reporting~~ Firearms in schools.

(a) All school officials, including teachers, guidance counselors, and support staff, shall immediately notify a local law enforcement agency and the office of the principal in the event that they observe any person in possession of a firearm on school grounds. A report is not required by this Section when the school official knows that the person in possession of the firearm is a law enforcement official engaged in the conduct of his or her official duties. Willful failure to comply with this Section shall subject the non-reporting school official to suspension or revocation of certification, pursuant to subsection (a) of Section 21-23 of this Code.

(b) Upon receiving a report from any school official pursuant to the Section, or from any other person, the principal or his or her designee shall, if not already done, immediately notify a local law enforcement agency. If the person found to be in possession of a firearm on school grounds is a student, the principal or his or her designee shall also immediately notify that student's parent or guardian. Upon receiving notification from the principal or his or her designee or any other school official, the local law enforcement agency shall immediately commence an investigation and determine whether to file a delinquency petition or complaint. If the person found to be in possession of the firearm on school grounds is a minor, the law enforcement agency shall detain that minor until such time as the agency makes a determination pursuant to clause (a) of

subsection (1) of Section 5-401 of the Juvenile Court Act of 1987, as to whether the agency reasonably believes that the minor is delinquent. If the law enforcement agency determines that probable cause exists to believe that the minor committed a violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 while on school grounds, the agency shall detain the minor for processing pursuant to Section 5-407 of the Juvenile Court Act of 1987.

(c) On or after January 1, 1997, upon receipt of any written, electronic, or verbal report from any school personnel regarding a verified incident involving a firearm in a school or on school owned or leased property, including any conveyance owned, leased, or used by the school for the transport of students or school personnel, the superintendent or his or her designee shall report all such firearm-related incidents occurring in a school or on school property to the local law enforcement authorities immediately ~~no later than 24 hours after the occurrence of the incident~~ and to the Department of State Police in a form, manner, and frequency as prescribed by the Department of State Police.

The State Board of Education shall receive an annual statistical compilation and related data associated with incidents involving firearms in schools from the Department of State Police.

(d) As used in this Section, the term "firearm" shall have the

meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

As used in this Section, the term "school" means any public or private elementary or secondary school.

As used in this Section, the term "school grounds" includes the real property comprising any school, any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or any public way within 1,000 feet of the real property comprising any school.

(Source: P.A. 89-498, eff. 6-27-96.)

Section 10. The Juvenile Court Act of 1987 is amended by adding Section 5-407 as follows:

(705 ILCS 405/5-407 new)

Sec. 5-407. Processing of juvenile in possession of a firearm.

(a) If a law enforcement officer detains a minor pursuant to Section 10-27.1A of the School Code, the officer shall deliver the minor to the nearest juvenile officer, in the manner prescribed by subsection (2) of Section 5-405 of this Act. The juvenile officer shall deliver the minor without unnecessary delay to the court or to the place designated by rule or order of court for the reception of minors. In no event shall the minor be eligible for any other disposition by the juvenile police officer, notwithstanding the provisions of subsection (3) of Section 5-405 of this Act.

(b) Minors not excluded from this Act's jurisdiction under subsection (3)(a) of Section 5-130 of this Act shall be brought before a judicial officer within 40 hours, exclusive of Saturdays, Sundays, and court-designated holidays, for a detention hearing to determine whether he or she shall be further held in custody. If the court finds that there is probable cause to believe that the minor is

a delinquent minor by virtue of his or her violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 while on school grounds, that finding shall operate as a determination of urgent and immediate necessity under subdivision (2) of Section 5-501 of this Act and the minor shall be detained, pending the results of a court-ordered psychological evaluation to determine if the minor is a risk to himself, herself, or others. Upon receipt of the psychological evaluation, the court shall review the determination regarding the existence of urgent and immediate necessity. The court shall consider the psychological evaluation in conjunction with the other factors identified in subdivision (2) of Section 5-501 of this Act in order to make a de novo determination regarding whether it is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another that the minor be detained or placed in a shelter care facility. In addition to the pre-trial conditions found in Section 5-505 of this Act, the court may order the minor to receive counseling and any other services recommended by the psychological evaluation as a condition for release of the minor.

(c) Upon making a determination that the student presents a risk to himself, herself, or others, the court shall issue an order restraining the student from entering the property of the school if he or she has been suspended or expelled from the school as a result of possessing a firearm. The order shall restrain the student from entering the school and school owned or leased property, including any conveyance owned, leased, or contracted by the school to transport students to or from school or a school-related activity. The order shall remain in effect until such time as the court determines that the student no longer presents a risk to himself, herself, or others.

(d) Psychological evaluations ordered pursuant to subsection (b) of this Section and statements made by the minor during the course of

SENATE

517

these evaluations, shall not be admissible on the issue of delinquency during the course of any adjudicatory hearing held under this Act.

(e) In this Section:

"School" means any public or private elementary or secondary school.

"School grounds" includes the real property comprising any school, any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or any public way within 1,000 feet of the real property comprising any school.

Section 15. The Code of Criminal Procedure of 1963 is amended by changing Sections 110-4 and 110-10 as follows:

(725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

Sec. 110-4. Bailable Offenses.

(a) All persons shall be bailable before conviction, except the following offenses where the proof is evident or the presumption great that the defendant is guilty of the offense: capital offenses; offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction; ~~or~~ felony offenses for which a sentence

of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction, where the court after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of any person or persons; ~~or~~ stalking or aggravated stalking, where the court, after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of the alleged victim of the offense and denial of bail is necessary to prevent fulfillment of the threat upon which the charge is based; or unlawful use of weapons in violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 when that offense occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school, where the court, after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of any person and denial of bail is necessary to prevent fulfillment of that threat.

(b) A person seeking release on bail who is charged with a capital offense or an offense for which a sentence of life imprisonment may be imposed shall not be bailable until a hearing is held wherein such person has the burden of demonstrating that the proof of his guilt is not evident and the presumption is not great.

(c) Where it is alleged that bail should be denied to a person upon the grounds that the person presents a real and present threat to the physical safety of any person or persons, the burden of proof of such allegations shall be upon the State.

(d) When it is alleged that bail should be denied to a person charged with stalking or aggravated stalking upon the grounds set forth in Section 110-6.3 of this Code, the burden of proof of those allegations shall be upon the State.

(Source: P.A. 87-870; 87-871; 88-45.)

(725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

Sec. 110-10. Conditions of bail bond.

(a) If a person is released prior to conviction, either upon payment of bail security or on his or her own recognizance, the conditions of the bail bond shall be that he or she will:

(1) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until discharged or final order of the court;

(2) Submit himself or herself to the orders and process of

the court;

(3) Not depart this State without leave of the court;

(4) Not violate any criminal statute of any jurisdiction;

and

(5) At a time and place designated by the court, surrender all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery, any violation of either the Illinois Controlled Substances Act or the Cannabis Control Act that is classified as

a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961; ~~the court may, however, forego the imposition of this condition when the circumstances of the case clearly do not warrant it or when its imposition would be impractical;~~ all legally possessed firearms shall be returned to the person upon that person completing a sentence for a conviction on a misdemeanor domestic battery, upon the charges being dismissed, or if the person is found not guilty, unless the finding of not guilty is by reason of insanity; and ~~and~~

(6) At a time and place designated by the court, submit to a psychological evaluation when the person has been charged with a violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 and that violation occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school.

Psychological evaluations ordered pursuant to this Section shall be completed promptly and made available to the State, the defendant, and the court. As a further condition of bail under these circumstances, the court shall order the defendant to refrain from entering upon the property of the school, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Upon receipt of the psychological evaluation, either the State or the defendant may request a change in the conditions of bail, pursuant to Section 110-6 of this Code. The court may change the conditions of bail to include a requirement that the defendant follow the recommendations of the psychological evaluation, including undergoing psychiatric treatment. The conclusions of the psychological evaluation and any statements elicited from the defendant during its administration are not admissible as evidence of guilt during the course of any trial on the charged offense, unless the defendant places his or her mental competency in issue.

(b) The court may impose other conditions, such as the following, if the court finds that such conditions are reasonably necessary to assure the defendant's appearance in court, protect the public from the defendant, or prevent the defendant's unlawful interference with the orderly administration of justice:

- (1) Report to or appear in person before such person or agency as the court may direct;
- (2) Refrain from possessing a firearm or other dangerous weapon;
- (3) Refrain from approaching or communicating with particular persons or classes of persons;
- (4) Refrain from going to certain described geographical areas or premises;
- (5) Refrain from engaging in certain activities or indulging in intoxicating liquors or in certain drugs;

- (6) Undergo treatment for drug addiction or alcoholism;
- (7) Undergo medical or psychiatric treatment;

(8) Work or pursue a course of study or vocational training;

(9) Attend or reside in a facility designated by the court;

(10) Support his or her dependents;

(11) If a minor resides with his or her parents or in a foster home, attend school, attend a non-residential program for youths, and contribute to his or her own support at home or in a foster home;

(12) Observe any curfew ordered by the court;

(13) Remain in the custody of such designated person or organization agreeing to supervise his release. Such third party custodian shall be responsible for notifying the court if the defendant fails to observe the conditions of release which the custodian has agreed to monitor, and shall be subject to contempt of court for failure so to notify the court;

(14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections; or

(14.1) The court shall impose upon a defendant who is charged with any alcohol, cannabis or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee not to exceed \$5 for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code;

(14.2) The court shall impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee which shall represent costs incidental to such electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be;

(15) Comply with the terms and conditions of an order of protection issued by the court under the Illinois Domestic Violence Act of 1986;

(16) Under Section 110-6.5 comply with the conditions of the drug testing program; and

(17) Such other reasonable conditions as the court may impose.

520

JOURNAL OF THE

[Mar. 16, 1999]

(c) When a person is charged with an offense under Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961", involving a victim who is a minor under 18 years of age living in the same household with the defendant at the time of the offense, in granting bail or releasing the defendant on his own recognizance, the judge shall impose conditions to restrict the defendant's access to the victim which may include, but are not limited to conditions that he will:

1. Vacate the Household.
2. Make payment of temporary support to his dependents.
3. Refrain from contact or communication with the child victim, except as ordered by the court.

(d) When a person is charged with a criminal offense and the victim is a family or household member as defined in Article 112A, conditions shall be imposed at the time of the defendant's release on bond that restrict the defendant's access to the victim. Unless provided otherwise by the court, the restrictions shall include requirements that the defendant do the following:

- (1) refrain from contact or communication with the victim for a minimum period of 72 hours following the defendant's release; and
- (2) refrain from entering or remaining at the victim's residence for a minimum period of 72 hours following the defendant's release.

(e) Local law enforcement agencies shall develop standardized bond forms for use in cases involving family or household members as defined in Article 112A, including specific conditions of bond as provided in subsection (d). Failure of any law enforcement department to develop or use those forms shall in no way limit the applicability and enforcement of subsections (d) and (f).

(f) If the defendant is admitted to bail after conviction the conditions of the bail bond shall be that he will, in addition to the conditions set forth in subsections (a) and (b) hereof:

- (1) Duly prosecute his appeal;
- (2) Appear at such time and place as the court may direct;
- (3) Not depart this State without leave of the court;
- (4) Comply with such other reasonable conditions as the court may impose; and,
- (5) If the judgment is affirmed or the cause reversed and remanded for a new trial, forthwith surrender to the officer from whose custody he was bailed.

(Source: P.A. 89-235, eff. 8-4-95; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 90-399, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, **Senate Bill No. 757** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 757 on page 1, line 25, after "security", by inserting ", including but not limited to portable metal detectors".

There being no further amendments, the foregoing Amendment No. 1,

SENATE

521

was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 773** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Commerce and Industry, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 773 on page 2, line 26, by replacing "all" with "a representative number of".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Lauzen, **Senate Bill No. 777** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, **Senate Bill No. 786** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 799** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, **Senate Bill No. 801** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, **Senate Bill No. 825** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 840** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 840 as follows:
on page 14, line 4, by replacing "State Board of Education" with "Capital Development Board"; and
on page 14, lines 25 and 26, by replacing "State Board of Education" with "Capital Development Board"; and
on page 15, lines 2 and 3, by replacing "State Board of Education" with "Capital Development Board"; and
on page 15, line 23, by replacing "State Board of Education" with "Capital Development Board".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 844** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, **Senate Bill No. 845** having been

522

JOURNAL OF THE

[Mar. 16, 1999]

printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 845 on page 1, by deleting lines 4 through 29; and
on page 2, line 2, by replacing "12-4, and 12-5" with "and 12-4"; and
on page 2, line 6 by changing "10.2" to "2-10.2"; and
on page 2, line 18 by changing "10.3" to "2-10.3"; and
on page 5, line 17, by inserting after "firearm" the following:
", or fires or discharges a laser gunsight or other laser device that is attached or affixed to a firearm or used in concert with a firearm"; and
on page 5, line 23, by changing "~~or~~" to "or"; and
on page 5, line 32 by changing "; or -" to "."; and
on page 5 by deleting lines 33 and 34; and
on page 6 by deleting lines 1 through 4; and
on page 6, by replacing lines 15 through 30 with the following:
"firearm is used in the commission of the assault."; and
on page 7, by replacing lines 9 through 11 with the following:
"strikes the person."; and
on page 7 by replacing lines 13 through 28 with the following:
"Battery is a Class A misdemeanor."; and
on page 8, line 5, by inserting the following after "firearm":
", or fires or discharges a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm"; and
on page 10, by deleting lines 33 and 34; and
on page 11, by deleting lines 1 through 5.

Floor Amendment No. 2 was filed earlier today and referred to the

Committee on Rules.

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 876** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 877** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 892** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 893** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 910** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 929** having been printed, was taken up, read by title a second time and ordered to a third reading.

SENATE

523

On motion of Senator Mahar, **Senate Bill No. 993** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 995** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 995 by replacing the title with the following:

"AN ACT concerning regional superintendents of schools."; and by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 3-2.5 as follows:

(105 ILCS 5/3-2.5)

Sec. 3-2.5. Salaries.

(a) Except as otherwise provided in this Section ~~subsection (b)~~, the regional superintendents of schools shall receive for their services an annual salary according to the population, as determined by the last preceding federal census, of the region they serve, as set out in the following schedule:

SALARIES OF REGIONAL SUPERINTENDENTS OF

SCHOOLS

POPULATION OF REGION	ANNUAL SALARY	
Less than 48,000	\$73,500	\$66,000
48,000 to 99,999	\$78,000	\$70,500
100,000 to 999,999	\$81,500	\$74,000
1,000,000 and over	\$83,500	\$76,000

The changes made by Public Act 86-98 in the annual salary that the regional superintendents of schools shall receive for their services shall apply to the annual salary received by the regional superintendents of schools during each of their elected terms of office that commence after July 26, 1989 and before the first Monday of August, 1995.

The changes made by Public Act 89-225 in the annual salary that regional superintendents of schools shall receive for their services shall apply to the annual salary received by the regional superintendents of schools during ~~each of~~ their elected terms of office that commence after August 4, 1995 and end on August 1, 1999.

The changes made by this amendatory Act of the 91st General Assembly in the annual salary that the regional superintendents of schools shall receive for their services shall apply to the annual salary received by the regional superintendents of schools during each of their elected terms of office that commence on or after August 2, 1999.

Beginning July 1, 2000, the salary that the regional superintendent of schools receives for his or her services shall be adjusted annually to reflect the percentage increase, if any, in the most recent Consumer Price Index, as defined and officially reported by the United States Department of Labor, Bureau of Labor Statistics, except that no annual increment may exceed 2.9%. If the percentage of change in the Consumer Price Index is a percentage decrease, the salary that the regional superintendent of schools receives shall not be adjusted for that year.

When regional superintendents are authorized by the School Code to appoint assistant regional superintendents, the assistant regional superintendent shall receive an annual salary based on his or her qualifications and computed as a percentage of the salary of the regional superintendent to whom he or she is assistant, as set out in

the following schedule:

SALARIES OF ASSISTANT REGIONAL SUPERINTENDENTS

QUALIFICATIONS OF ASSISTANT REGIONAL SUPERINTENDENT	PERCENTAGE OF SALARY OF REGIONAL SUPERINTENDENT
No Bachelor's degree, but State certificate valid for teaching and supervising.	70%
Bachelor's degree plus State certificate valid for supervising.	75%
Master's degree plus State certificate valid for supervising.	90%

However, in any region in which the appointment of more than one assistant regional superintendent is authorized, whether by Section 3-15.10 of this Code or otherwise, not more than one assistant may be compensated at the 90% rate and any other assistant shall be paid at not exceeding the 75% rate, in each case depending on the qualifications of the assistant.

The salaries provided in this Section for regional superintendents and assistant regional superintendents are payable monthly from the Common School Fund. The State Comptroller in making his or her warrant to any county for the amount due it from the Common School Fund shall deduct from it the several amounts for which warrants have been issued to the regional superintendent, and any assistant regional superintendent, of the educational service region encompassing the county since the preceding apportionment of the Common School Fund.

County boards may provide for additional compensation for the regional superintendent or the assistant regional superintendents, or for each of them, to be paid quarterly from the county treasury.

(b) Upon abolition on July 1, 1994, of the office of regional superintendent of schools in educational service regions containing 2,000,000 or more inhabitants as provided in Section 3-0.01 of this Code, the provisions of subsection (a) of this Section shall no longer apply in any educational service region in which the office of regional superintendent of schools is so abolished, and no salary or other compensation shall be payable under that subsection (a) or under any other provision of this Section with respect to the office so abolished or with respect to any assistant position to the office so abolished.

(c) If the State pays all or any portion of the employee contributions required under Section 16-152 of the Illinois Pension Code for employees of the State Board of Education, it shall also pay the employee contributions required of regional superintendents of schools and assistant regional superintendents of schools on the same basis, but excluding any contributions based on compensation that is paid by the county rather than the State.

This subsection (c) applies to contributions based on payments of salary earned after the effective date of this amendatory Act of the 91st General Assembly, except that in the case of an elected regional superintendent of schools, this subsection does not apply to contributions based on payments of salary earned during a term of office that commenced before the effective date of this amendatory Act.

(Source: P.A. 89-233, eff. 1-1-96; incorporates 89-225, eff. 8-4-95; 89-626, eff. 8-9-96.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 1001** having been printed, was taken up, read by title a second time and ordered to a

third reading.

On motion of Senator Philip, **Senate Bill No. 1002** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 1003** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 1004** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 1008** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maitland, **Senate Bill No. 1009** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Karpel, **Senate Bill No. 1012** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1013** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, **Senate Bill No. 1014** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maitland, **Senate Bill No. 1015** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 1016** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 1017** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 1018** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 1019** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 1026** having been

printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Financial Institutions, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1026 on page 1, line 21, before "institution", by inserting "safekeeping".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 1028** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1039** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1055** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maitland, **Senate Bill No. 1066** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 1071** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **Senate Bill No. 1072** having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1072 as follows:
on page 5, by deleting lines 21 and 22; and
on page 22, immediately below line 14, by inserting the following:

"Section 90. In consideration of an intergovernmental agreement between the Illinois Department of Transportation, the city of Prospect Heights, the village of Wheeling and Cook County, signed and executed on August 10, 1993, the Secretary of the Department of Transportation is hereby authorized to convey by quitclaim deed to the city of Prospect Heights and the village of Wheeling as tenants in common all right, title and interest in and to the following described land in Cook County, Illinois:

Parcel No. 0ZZ0823:

Tract No. 11

Part of Section 11, 12, 13 and 14 in Township 42 North, Range 11 East of the Third Principal Meridian, Cook County, Illinois, said part being further described as follows:

Commencing at the southeast corner of Section 11; thence South 89 degrees 15 minutes 59 seconds East, 50.01 feet along the north line of Section 13 to the point of beginning; thence South 0 degrees 04 minutes 13 seconds East, 2,795.30 feet parallel with the west line of Section 13 to a point on a curve having a radius of 1,979.86 feet and its center located South 81 degrees 46 minutes 21 seconds West from said point; thence northwesterly

along said curved 411.06 feet; thence North 0 degrees 04 minutes 13 seconds West, 2,323.09 feet parallel with the east line of Section 14; thence North 0 degrees 04 minutes 42 seconds West, 108.11 feet; thence North 0 degrees 05 minutes 50 seconds West, 210.30 feet parallel with the east line of Section 11 to a point on a curve having a radius of 679.31 feet and its center located South 20 degrees 36 minutes 58 seconds East from said point; thence northeasterly along said curve 90.38 feet; thence North 87 degrees 07 minutes 41 seconds East, 13.51 feet; thence South 0 degrees 05 minutes 50 seconds East, 270.84 feet parallel with the west line of Section 12 to the point of beginning, containing 5.904 acres, more or less.

Tract No. 13

Part of the Southeast Quarter of Section 11 and part of the Southwest Quarter of Section 12 in Township 42 North, Range 11 East of the Third Principal Meridian, Cook County, Illinois, said part being further described as follows:

Commencing at the southeast corner of Section 11; thence North 0 degrees 05 minutes 50 seconds West, 375.53 feet along the east line of Section 11; thence South 89 degrees 54 minutes 10 seconds West, 50.00 feet to the point of beginning; thence North 0 degrees 05 minutes 50 seconds West, 444.16 feet parallel with the east line of Section 11; thence South 47 degrees 51 minutes 31 seconds East, 135.07 feet; thence South 0 degrees 05 minutes 50 seconds East, 329.06 feet parallel with the west line of Section 12; thence South 78 degrees 15 minutes 47 seconds West, 42.26 feet to a point on a curve having a radius of 804.31 feet and its center located South 12 degrees 59 minutes 34 seconds East from said point; thence southwesterly along said curve 60.70 feet to the point of beginning containing 0.884 acres, more or less.

Bearings are referenced to the Illinois State Plane Coordinate System, East Zone, NAD 1927.

Section 95. Upon the payment of the sum of \$29,000.00 to the State of Illinois, the rights or easements of access, crossing, light, air and view from, to and over the following described line and FA Route 5 are restored subject to permit requirements of the State of Illinois, Department of Transportation.

Parcel No. 675X212:

A part of the Southwest Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 5 West of the Third Principal Meridian, Montgomery County, Illinois, described as follows:

Commencing at the southwest corner of said Northeast Quarter of Section 32; thence along the south line of said Northeast Quarter, North 89 degrees 11 minutes 00 seconds East, 557.27 feet to a pin on the west existing right of way line of FA 5 being the

point of beginning; thence along said west right of way line, North 00 degrees 12 minutes 20 seconds East, 11.24 feet to a pin; thence continuing along said right of way line, North 37 degrees 40 minutes 55 seconds East, 126.19 feet to a pin; thence continuing along said right of way line along a curve to the right having a radius of 14,399.00 feet, an arc length of 267.96 feet and a chord bearing North 07 degrees 57 minutes 21 seconds East to a pin; thence continuing along said right of way line, North 01 degree 31 minutes 19 seconds West, 414.17 feet to a right of way marker; thence continuing along said right of way line, North 87 degrees 41 minutes 49 seconds East, 79.61 feet to a pin; thence continuing along said right of way line on a curve to the right having a radius of 14,399.00 feet, an arc length of 503.83 feet and a chord bearing North 11 degrees 10 minutes 26 seconds East to a pin marking the point of termination, said described line measures 1403.00 feet in length.

Section 100. Upon the payment of the sum of \$1,850.00 to the State of Illinois, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Vermilion County, Illinois:

Parcel No. 5X02433:

Two tracts of land being a part of the Southeast Quarter of Section 24, Township 21 North, Range 12 West of the Second Principal Meridian, Vermilion County, Illinois, also being a part of the original Chicago Wagon Road right of way and part of S.B.I. Route 1 dedicated right of way as shown recorded in Book 411, page 206 and Book 424, page 54 in the Vermilion County Recorder's Office, said tracts are described as follows:

TRACT A:

Commencing at the southeast corner of the Southeast Quarter of said Section 24; thence South 89 degrees 16 minutes 17 seconds West 1613.28 feet along the south line of the Southeast Quarter of said Section 24 to the existing easterly right of way line of Illinois Route 1, being the Point of Beginning; thence continue South 89 degrees 16 minutes 17 seconds West 32.57 feet along said south section line to a point 60 feet easterly of and perpendicular to the existing centerline of pavement of Illinois Route 1; thence North 9 degrees 40 minutes 55 seconds West 332.52 feet to a point 60 feet easterly of and radially distant from said centerline; thence North 11 degrees 37 minutes 40 seconds East 53.98 feet to a point 80 feet easterly of and radially distant from said centerline; thence North 10 degrees 38 minutes 27 seconds West 407.73 feet to the existing easterly right of way line of Illinois Route 1, said point being 80 feet easterly of and radially distant from said centerline; thence South 15 degrees 04 minutes 58 seconds East 56.76 feet along said existing easterly right of way line; thence South 12 degrees 34 minutes 30 seconds East 100.39 feet along said right of way line; thence South 10 degrees 48 minutes 17 seconds East 200.70 feet along said right of way line; thence South 10 degrees 20 minutes 49 seconds East 200.71 feet along said right of way line; thence South 10 degrees 20 minutes 05 seconds East 237.44 feet along

said right of way line to the Point of Beginning, containing 0.317 of an acre, more or less.

TRACT B:

Commencing at the southeast corner of the Southeast Quarter of said Section 24; thence South 89 degrees 16 minutes 17 seconds West 1706.53 feet along the south line of the Southeast Quarter of said Section 24 to the existing pavement centerline of Illinois Route 1; thence northwesterly 1922.68 feet along said centerline, being a curve to the left, having a radius of 25,034.18 feet and a chord bearing North 11 degrees 31 minutes 23 seconds West 1922.21 feet; thence North 76 degrees 16 minutes 36 seconds East 89.00 feet along a radial distant line from said centerline, to the existing easterly right of way line of Illinois Route 1, being the Point of Beginning; thence North 27 degrees 17 minutes 42 seconds West 103.07 feet to a point 65 feet easterly of and perpendicular to said centerline; thence North 13 degrees 53 minutes 30 seconds West 600.00 feet along a line parallel with and 65 feet easterly of said centerline; thence North 55 degrees 34 minutes 42 seconds East 119.89 feet to the existing easterly right of way line of Illinois Route 1; thence South 2 degrees 56 minutes 57 seconds East 465.05 feet along said right of way line; thence South 13 degrees 53 minutes 30 seconds East 211.91 feet along said right of way line; thence southeasterly 73.80 feet along said right of way line, being a curve to the right having a radius of 25,123.18 feet and a chord

bearing South 13 degrees 48 minutes 27 seconds East 73.80 feet to the Point of Beginning, containing 0.790 of an acre, more or less.

Said tracts contain in all 1.107 acres, more or less.

Section 105. Upon the payment of the sum of \$1.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quit claim deed all right, title and interest in and to the following described land in Sangamon County, Illinois to the village of Rochester.

Parcel No. 675X198:

A part of the Northeast Quarter of the Southeast Quarter and a part of the Southeast Quarter of the Northeast Quarter of Section 16, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 16; thence along the north line of the Southeast Quarter of said Section 16, North 89 degrees 18 minutes 47 seconds West, 749.65 feet to a point on the southerly existing right of way line of the former B & O Railroad, said point being the Point of Beginning; thence along said southerly former Railroad right of way, South 54 degrees 03 minutes 29 seconds East, 103.08 feet to a curve; thence southwesterly along a curve to the right having a radius of 135.00 feet an arc length of 59.24 feet; thence South 80 degrees 27 minutes 25 seconds West, 52.45 feet to the north existing right of way line of County Highway 56 (South Main Street); thence along said north right of

way line, North 82 degrees 00 minutes 37 seconds West, 53.68 feet; thence North 06 degrees 53 minutes 51 seconds East, 130.96 feet to the aforesaid southerly former railroad right of way; thence along said former railroad right of way, South 54 degrees 03 minutes 29 seconds East, 73.30 feet to the Point of Beginning, containing 0.275 acre, more or less.

Provided that if, at any time, the property ceases to be used for public purposes by the village of Rochester, all title and interest will revert to the Illinois Department of Transportation."

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1072 on page 1, immediately below line 3, by inserting the following:

"Section 2. For and in consideration of the sum of \$1, the Board of Trustees of Southern Illinois University is authorized to convey, by quitclaim deed executed by the chairperson and attested by the secretary of the Board of Trustees of Southern Illinois University, to the Board of Trustees of Lewis and Clark Community College District No. 536 all rights, title, and interest of the Board of Trustees of Southern Illinois University in and to the following described real estate:

Parcel 1:

A parcel of land, known as Lot 8 of the Subdivision of Block 1, Leclaire, as the same appears in Plat Book 6 Page 19; (Except coal and other minerals underlying, with right to mine and remove same from thereunder), in Madison County, Illinois.

Parcel 2:

A tract of land situated in the Southeast Quarter of Section 11, Township 4 North, Range 8 West of the Third Principal Meridian, within the corporate limits of the City of Edwardsville, Madison County, Illinois; being more particularly Lots 12, 13, 14, 15, 17, 18, 19 and the Northerly portion of Lot 20 of the Subdivision of Block 1, Leclaire, a Subdivision of said Edwardsville, Illinois, and of record in Plat Book 6, Page 19 and

Lots 9, 10, 11 and 16 of the Revised Plat of Lots 9, 10, 11 and 16 of Block 1, Leclaire, as the same appears in Plat Book 7, Page 15 and all abutting or contiguous streets and alleys as vacated by Ordinance Number 628 a copy of which was recorded March 3, 1948 as Document 114-618, in Book 1007 Page 388 and Ordinance Number 851 a copy of which was recorded as Document 124-4123 all being more fully described as follows:

From a point at the Northeast corner of Lot 1, Block 1, of the Subdivision of Block 1 Leclaire, a Subdivision of the City of Edwardsville, Madison County, Illinois, as the same appears in Plat Book Number 6 Page 19 and which said point being at the Southwest corner of Brown Street and Wolf Street, in said Edwardsville, Illinois, measure 200.0 feet South 0 degrees 42 minutes East along the said West line of Brown Street to a point at the Northeast corner of Lot 9 Block 1, said Subdivision of Block 1 Leclaire, and which said point is the point of beginning of the tract hereinafter described and conveyed; thence continuing South 0 degrees 42 minutes East, from said beginning

point, and along the said West line of Brown Street, and its Southerly extension across the 16.0 foot alley situated between Lot 9 and Lots 10 and 11, said Block 1, Subdivision of Block 1 Leclaire, for 105.71 feet to a point at the Northeasterly corner of Lot 10 of the Revised Plat of Lots 9-10-11 and 16 of Block 1 Leclaire, as the same appears in Plat Book Number 7 Page 15: thence South 69 degrees 04 minutes East, and along a Southeasterly extension of the said Northeasterly line of said Lot Number 10 of the said Revised Plat of Lots 9-10-11 and 16, Block 1 Leclaire, for 13.55 feet to a point 7.5 feet West of, measured at right angles, to the West line of a 15.0 foot alley along the West side of Block 1 of Metcalfe Place, an addition to the said City of Edwardsville, Illinois, and of record in Plat Book Number 6, Page 1; thence South 0 degrees 50 minutes East, 7.5 feet West of, measured at right angles, and parallel with the said West line of the 15.0 foot alley along the West side of Block 1 of said Metcalfe Place, for 67.0 feet; thence North 69 degrees 04 minutes West for 0.54 feet to a point 8.0 feet West of, measured at right angles, to the said West line of the alley along the West side of Block 1 Metcalfe Place; thence South 0 degrees 50 minutes East, 8.0 feet West of, measured at right angles, and parallel with the said West line of the alley along the West side of Block 1, Metcalfe Place, for 299.87 feet to a point of curve; thence Southerly and Southwesterly along a curve to the right, having a radius of 25 feet, and a central angle of 81 degrees 05 minutes, for 35.38 feet, to a point of tangent, and which said tangent point is 37.0 feet Northwesterly of, measured at right angles, to the Northwesterly line of Lot 21 of the Subdivision of Block 1 Leclaire; thence South 80 degrees 15 minutes West, 37.0 feet Northwesterly of, measured at right angles to, and parallel with the said Northwesterly line of said Lot 21 of the Subdivision of Block 1 Leclaire, and along the Northwesterly line of a fifty foot street, without name, for 274.35 feet to a point on the Northeasterly extension of the Westerly line of the continuation of Hale Avenue and Holyoake Road in said Leclaire; thence South 21 degrees 11 minutes West and along the said Northeasterly extension of the continuation of Hale Avenue and Holyoake Road, in said Leclaire, for 58.01 feet; thence South 80 degrees 33 minutes West for 243.90 feet; thence South 35 degrees 01 minutes West for 201.92 feet to a point on the Easterly line of Troy Road, in said Leclaire; thence North 11 degrees 29 minutes West along the Easterly line of Troy Road for 39.3 feet to a point on the Southeasterly right of way line of

the New York Chicago and St. Louis Railroad (Nickel Plate Railroad), which said point being 50.0 feet Southeasterly of, measured at right angles to, the center line of the main track of the said New York Chicago and St. Louis Railroad; thence North 20 degrees 35 minutes East 50.0 feet Southeasterly of, measured at right angles to, and parallel with the center line of the said main track of the New York Chicago and St. Louis Railroad and also following along the Southeasterly right of way line of said Railroad, for 676.3 feet; thence South 69 degrees 04 minutes East

for 30.0 feet; thence North 20 degrees 52 minutes East and along the Southwesterly extension of, and the Northwesterly line of Lots 11 and 12 of the Subdivision of Block 1 Leclaire, for 179.50 feet to a point at the Northwest corner of Lot 11, said Subdivision of Block 1 Leclaire; thence south 69 degrees 04 minutes East and along the Northeasterly line of said Lot 11, Subdivision of Block 1, Leclaire, for 115.84 feet; thence North 21 degrees 47 minutes East and along a Southwesterly extension of, and along the Northwesterly line of Lot 9 of the Subdivision of Block 1 Leclaire, for 20.5 feet to a point at the Northwest corner of said Lot 9, of the Subdivision of Block 1 Leclaire; thence North 89 degrees 17 minutes East and along the North line of said Lot 9, of the Subdivision of Block 1 Leclaire, for 210.66 feet to the point of beginning.

(Except coal and other minerals and right to mine and remove same), in Madison County, Illinois.

Section 3. The secretary of the Board of Trustees of Southern Illinois University shall obtain a certified copy of this Act within 60 days after its effective date and, upon receipt of payment of the consideration of \$1, shall record the certified document in the Recorder's Office of Madison County, Illinois."

There being no further amendments, the foregoing Amendments numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1079** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maitland, **Senate Bill No. 1080** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maitland, **Senate Bill No. 1081** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 1084** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, **Senate Bill No. 1085** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1089** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1090** having been printed, was taken up, read by title a second time and ordered

to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1091** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1092** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1093** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1094** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1095** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1096** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1097** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1098** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1099** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1100** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1101** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1102** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 1105** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fawell, **Senate Bill No. 1130** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Berman, **Senate Bill No. 1170** having been printed, was taken up, read by title a second time and ordered to a third reading.

SENATE

533

On motion of Senator Philip, **Senate Bill No. 1172** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 1:07 o'clock p.m., Senator Dudycz presiding.

On motion of Senator Peterson, **Senate Bill No. 214** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Donahue, **Senate Bill No. 306** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Donahue, **Senate Bill No. 473** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 685** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Karpiel, **Senate Bill No. 1006** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Donahue, **Senate Bill No. 1061** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 121** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 121 by replacing the title with the following:

"AN ACT to amend the Code of Criminal Procedure of 1963 by changing Section 113-3."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 113-3 as follows:

(725 ILCS 5/113-3) (from Ch. 38, par. 113-3)

Sec. 113-3. (a) Every person charged with an offense shall be allowed counsel before pleading to the charge. If the defendant desires counsel and has been unable to obtain same before arraignment the court shall recess court or continue the cause for a reasonable

time to permit defendant to obtain counsel and consult with him before pleading to the charge. If the accused is a dissolved corporation, and is not represented by counsel, the court may, in the interest of justice, appoint as counsel a licensed attorney of this State.

(b) In all cases, except where the penalty is a fine only, if the court determines that the defendant is indigent and desires counsel, the Public Defender shall be appointed as counsel. If there is no Public Defender in the county or if the defendant requests counsel other than the Public Defender and the court finds that the rights of the defendant will be prejudiced by the appointment of the Public Defender, the court shall appoint as counsel a licensed attorney at law of this State, except that in a county having a

population of 1,000,000 or more the Public Defender shall be appointed as counsel in all misdemeanor cases where the defendant is indigent and desires counsel unless the case involves multiple defendants, in which case the court may appoint counsel other than the Public Defender for the additional defendants. The court shall require an affidavit signed by any defendant who requests court-appointed counsel. Such affidavit shall be in the form established by the Supreme Court containing sufficient information to ascertain the assets and liabilities of that defendant. The Court may direct the Clerk of the Circuit Court to assist the defendant in the completion of the affidavit. Any person who knowingly files such affidavit containing false information concerning his assets and liabilities shall be liable to the county where the case, in which such false affidavit is filed, is pending for the reasonable value of the services rendered by the public defender or other court-appointed counsel in the case to the extent that such services were unjustly or falsely procured.

(c) Upon the filing with the court of a verified statement of services rendered the court shall order the county treasurer of the county of trial to pay counsel other than the Public Defender a reasonable fee. The court shall consider all relevant circumstances, including but not limited to the time spent while court is in session, other time spent in representing the defendant, and expenses reasonably incurred by counsel. ~~In counties with a population greater than 2,000,000, the court shall order the county treasurer of the county of trial to pay counsel other than the Public Defender a reasonable fee stated in the order and based upon a rate of compensation of not more than \$40 for each hour spent while court is in session and not more than \$30 for each hour otherwise spent representing a defendant, and such compensation shall not exceed \$150 for each defendant represented in misdemeanor cases and \$1250 in felony cases, in addition to expenses reasonably incurred as hereinafter in this Section provided, except that, in extraordinary circumstances, payment in excess of the limits herein stated may be made if the trial court certifies that such payment is necessary to provide fair compensation for protracted representation.~~ A trial court may entertain the filing of this verified statement before the termination of the cause, and may order the provisional payment of sums during the pendency of the cause.

(d) In capital cases, in addition to counsel, if the court determines that the defendant is indigent the court may, upon the filing with the court of a verified statement of services rendered, order the county treasurer of the county of trial to pay necessary expert witnesses for defendant reasonable compensation stated in the order not to exceed \$250 for each defendant.

(e) If the court in any county having a population greater than 1,000,000 determines that the defendant is indigent the court may, upon the filing with the court of a verified statement of such expenses, order the county treasurer of the county of trial, in such counties having a population greater than 1,000,000 to pay the general expenses of the trial incurred by the defendant ~~not to exceed \$50 for each defendant.~~

(Source: P.A. 85-1344.)".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Karpriel, **Senate Bill No. 1036** having been printed, was taken up, read by title a second time and ordered to a third reading.

SENATE

535

INTRODUCTION OF A BILL

SENATE BILL NO. 1228. Introduced by Senator Shadid, a bill for AN ACT regarding Appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 60

Offered by Senator Lauzen and all Senators:
Mourns the death of William McConaughay, of Geneva.

SENATE RESOLUTION NO. 61

Offered by Senator E. Jones and all Senators:
Mourns the death of Mrs. Mary L. Chick of Chicago.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Obama offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 24

WHEREAS, Justice Thurgood Marshall first brought his cause to the courts as a private citizen and traveled throughout the United States demanding that the legal system uphold rights that the political system would not enforce; and

WHEREAS, Justice Marshall constructed the legal arguments which

ended segregation in 1954, so that equality in America truly could mean "getting the same thing, at the same time and in the same place"; and

WHEREAS, Justice Marshall, as the chief legal officer of the National Association for the Advancement of Colored People for more than 20 years, organized and implemented the nation's first program of systematic public interest litigation; and

WHEREAS, Justice Marshall ably served the public for over three decades, as a judge on the United States Second Circuit Court of Appeals, as Solicitor General of the United States, and finally as the first African-American Justice of the United States Supreme Court; and

WHEREAS, Justice Marshall remained true to the Constitution in his crusade for equal educational and employment opportunities, for First Amendment and reproductive freedoms, and for preservation of the rights of the accused and the convicted; and

WHEREAS, Justice Marshall's life-long support for the rights of the disenfranchised, the underprivileged and the powerless served as a constant reminder that this country was founded upon the promise of equality - a promise which for many has not yet been fulfilled; and

WHEREAS, Justice Marshall's contributions to the American justice system will have an enduring impact on American society and warrant a permanent public tribute; and

WHEREAS, Interstate 57, from Cairo to Chicago, links all ethnic groups and economic strata of the State, passes through notable sites in the State's struggle to ensure civil rights, and is an appropriate public improvement to bear the name of Justice Marshall; and

WHEREAS, Interstate 290 was named in honor of Dwight D. Eisenhower of Kansas and Interstate 90 was named after John F. Kennedy of Massachusetts; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF

536

JOURNAL OF THE

[Mar. 16, 1999]

THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the part of Interstate Route 57 of the National System of Interstate and Defense Highways which is within the State of Illinois is designated as the Thurgood Marshall Memorial Freeway; and be it further

RESOLVED, That the Illinois Department of Transportation erect appropriate signs, markers, or plaques along the highway in recognition of this designation; and be it further

RESOLVED, That a copy of this preamble and resolution be presented to the Secretary of the Illinois Department of Transportation.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 38, sponsored by Senator Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 105, sponsored by Senator Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 167, sponsored by Senator Berman was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 264, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 376, sponsored by Senator Myers was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 470, sponsored by Senator Petka was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 471, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 473, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 520, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 534, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 613, sponsored by Senator Maitland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 710, sponsored by Senator Berman was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 812, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 851, sponsored by Senators Myers - Bomke was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 891, sponsored by Senator Noland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 916, sponsored by Senator Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1079, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1177, sponsored by Senator Petka was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1180, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1188, sponsored by Senator Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1201, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1304, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1317, sponsored by Senator Berman was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1413, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1540, sponsored by Senator Geo-Karis was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1622, sponsored by Senator Parker was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1824, sponsored by Senator Noland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1897, sponsored by Senator Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1900, sponsored by Senator Luechtefeld was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1915, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1960, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1991, sponsored by Senator Obama was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2020, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2026, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2104, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2256, sponsored by Senators Syverson - Mahar - Karpriel - Fawell was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2272, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2283, sponsored by Senator Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2343, sponsored by Senator Mahar was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2711, sponsored by Senator Dudycz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2724, sponsored by Senator Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2748, sponsored by Senator Hawkinson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2758, sponsored by Senator Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2776, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2855, sponsored by Senator Donahue was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 307, sponsored by Senators Hawkinson - Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2091, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Bill 6
Senate Amendment No. 2 to Senate Bill 6
Senate Amendment No. 1 to Senate Bill 286
Senate Amendment No. 1 to Senate Bill 287
Senate Amendment No. 2 to Senate Bill 800

At the hour of 1:18 o'clock p.m., on motion of Senator Sullivan, the Senate stood adjourned until Wednesday, March 17, 1999 at 12:30 o'clock p.m.